THE WHOLE

PROCEEDINGS

ON THE

KING's Commission of the Peace, Oyer and Terminer, and Gaol Delivery

FOR THE

CITY OF LONDON,

AND ALSO,

The Gaol Delivery

FOR THE

COUNTY OF MIDDLESEX,

HELD AT

JUSTICE-HALL, IN THE OLD-BAILEY,

On WEDNESDAY the 6th of DECEMBER, 1797, and the following Days,

BEING THE FIRST SESSION IN THE MAYORALTY OF

The Right Honourable JOHN WILLIAM ANDERSON, Esq.

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

WILLIAM RAMSEY,

AND

Published by Authority.

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1797.

THE WHOLE

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KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery

FOR THE

CITY OF LONDON, &c.

BEFORE JOHN WILLIAM ANDERSON, Eſq. LORD MAYOR of the CITY of LONDON; Sir NASH GROSE, Knight, one of the Juſtices of His Majeſty's Court of King's-Bench; Sir RICHARD PERRYN, Knight, one of the Barons of His Majeſty's Court of Exchequer; Sir JOHN WILLIAM ROSE, Knight, Serjeant at Law, Recorder of the ſaid City; JOHN SILVESTER, Eſq. Common-Serjeant at Law of the ſaid City; and others, His Majeſty's Juſtices of Oyer and Terminer of the CITY of LONDON, and Juſtices of Gaol Delivery of NEWGATE, holden for the ſaid City and County of MIDDLESEX.

London Jury.	*Firſt Middleſex Jury.*	*Second Middleſex Jury.*
William Gray,	George Martin,	Miles Tanſon,
Peter Norman,	John Wilkinſon,	Benjamin Whippey,
William Fleuriot,	William King,	John Hall,
Richard Pooler,	John Hurley,	William Aſhton,
Samuel Jones,	Thomas Liſle,	Abraham Tibbutt,
George Spears,	Joſeph Keſuer,	George Barnard,
George Penton,	Thomas Harris,	James Pagett
Phillip Stallard,	Edward Huntley,	Peter Vining,
John Millidge,	John Dixon,	Thomas Weaver,
Thomas Jefferys,	George Warrener,	Robert Fladgate,
John Berenger,	William King,	Henry Vincent,
John Corby.	Matthew Cooke.	Robert Butler.

1. ROBERT FRANKLYN was indicted for forging and counterfeiting, on the 3d of October, a Bank of England promiſſory-note for the payment of 10l. with intention to defraud the Governor and Company of the Bank of England.

Another Count. For uttering and publiſhing the ſame as true, knowing it to be falſe. And

Sixteen other Counts. For a like offence, varying the manner of charging it.

(The indictment was ſtated by Mr. Giles, and the caſe by Mr. Fielding).

SARAH DIXON *ſworn.—Examined by Mr. Knowlys.* I live in King-ſtreet, Soho; in October laſt, I lived in Charles-ſtreet, Middleſex-hoſpital.

Q. Do you know Mr. Franklyn?—*A.* Yes; on the 3d of October, he was at my lodgings, at Mr. Seares's, a ſhoe-maker.

Q. What was the buſineſs he came about?—*A.* To leave ſome money for a lady in the hoſpital; I ſaw him give my ſervant a note to change, her name is Sarah Banks.

Q. Did you happen to know, at the time he gave it her, what note it was?—*A.* I did not.

Q. Did your ſervant go in conſequence of that?—*A.* I was in bed.

Court. Q. Did you ſee him give her the note?—*A.* Yes; ſhe went away, and returned to my room, ſhe was not gone above five minutes; ſhe gave Mr. Franklyn four 2l. notes, and two of 1l. he left with me a 2l. note, one ſhilling and two ſixpences, to give to a lady in the hoſpital.

Q. Had you ſeen Mr. Franklyn before, and knew him well?—*A.* Yes, by ſight, ſeeing him come to that lady.

Croſs-examined by Mr. Knapp. Q. I think I underſtood you that you never ſaw the note?—*A.* No.

Q. You were a lady living in Charles ſtreet, Middleſex-hoſpital?—*A.* Yes.

SARAH BANKS *ſworn.—Examined by Mr. Giles.* Q. You lived with the laſt witneſs, Sarah Dixon, in Charles-ſtreet?—*A.* Yes.

Q. Do you know Robert Franklyn?—*A.* I never ſaw him but twice; he came one Tueſday morning about half-paſt eight, it was ſome time in October, I did not ſleep there, I only came on days, to do what ſhe might want.

Court. Q. Did you find him there, or were you there firſt?—*A.* I found him there; I heard him aſk Sarah Dixon where her ſervant was, and I ſaid, I am here; I ſaw Mr. Franklyn talking to her by the ſide of the bed; he aſked me if I thought I could get him change for a 10l. note; I told him, I would try if I could, he gave me the note, but I do not know what the note was, I never looked at it; I went to Mr. Kearſe, at the One Tun, in Charles-ſtreet, which was next door; Mr. Kearſe ſaid, he could not give it me in caſh, he would give it me in notes, if he could; he gave me four 2l. notes and two 1l. I returned, and gave them to Mr. Franklyn.

Q. Was the note that you gave to Kearſe, the ſame that you received from the priſoner?—*A.* Yes; I had no other note; I told Mr. Franklyn I had got it in notes; he ſaid, he wanted to ſend a little money to an unfortunate woman that was in the hoſpital; he left a 2l. note, one ſhilling and two ſixpences, which ſhe was to take to the lady in the hoſpital, her name was Maria Neſbitt, and he pulled out a letter that he had wrote to her.

Croſs-examined by Mr. Gurney. Q. You never ſaw the inſide of the note at all?—*A.* No; nor I could not have read it, if I had.

Q. Then you know nothing about it but what Mr. Kearſe told you?—*A.* No.

Q. There were ſix notes given you?—*A.* Yes.

Q. Have you any diſtinct recollection that there were ſix only?—*A.* Yes.

Court. Q. You could not read?—*A.* No.

Q. How did you know that there were four twos and two ones?—*A.* Becauſe Mr. Kearſe told me ſo.

WILLIAM KEARSE *ſworn.—Examined by Mr. Fielding.* I keep a public-houſe in Goodge-ſtreet, the One Tun.

Q. Do you know Sarah Banks?—*A.* Yes; I have known her, I ſuppoſe, theſe two months: On the 3d of October, between eight and nine in the morning, ſhe came to me to change a 10l. note, I gave her change for it, in ſmall notes.

Q. What were thoſe notes?—*A.* To the beſt of my memory, four twos and two ones; I did not minute them down.

Q. Did you tell her they were ſo?—*A.* To the beſt of my memory I did.

Q. What became of that very note which you received from Sarah Banks?—*A.* I paid it away, on the 5th, to one Mr. Piper, clerk to Meſſrs. Faſſett and Burnet, at Vauxhall.

Q. Are you able to ſay, to a certainty, that the very note you received from Sarah Banks you delivered to Piper?—*A.* Yes.

Q. Did you make any mark upon the note?—*A.* I did not.

Croſs-

Croſs-examined by Mr. Knapp. Q. You did not make any mark upon it?—*A.* No.

Q. Nor did not particularly notice the note that you received?—*A.* No.

Q. You keep a public-houſe, and do conſiderable buſineſs, I believe?—*A.* Yes.

JOHN PIPER *ſworn.—Examined by Mr. Fielding.* I am clerk in the houſe of Meſſrs. Faſſet, Burnet, and Son, at Vauxhall: On the 5th of October laſt, I received from Mr. Kearſe either forty or fifty pounds, I am not certain which.

Q. Did you receive a ten pound note from him?—*A.* I did.

Q. Do you know the very note you received from him?—*A.* Certainly.

Q Was there any other ten pound note that you received from him that day?—*A.* I did not.

Court. Q. Did you receive any other ten pound note that day from any body?—*A.* Yes; I put Mr. Kearſe's name upon the note, and I had a very particular reaſon for putting his name upon it; a friend of mine, who lived at Thrale's Brewhouſe, had taken two fifteen pound notes that were forged.

Q. Is that the note? *(ſhewing him one).*—*A.* It is.

WILLIAM MULLENS *ſworn.—Examined by Mr. Fielding.* I am one of the caſhiers of the Bank.

Q. Are you able, from the inſpection of that note, to ſay whether it is a real or a forged Bank-note?—*A.* It is forged.

Q. Are you clear that it is a forged note?—*A.* I am perfectly clear.

Q. It purports to be ſigned by yourſelf; that is not your ſignature?—*A.* No, certainly not.

Q. And from your knowledge and inſpection of the note, are you certain that is a forged note?—*A.* I am. *(The note read).*

No. 4555. 1796. Bank, 20th of January, 1796.

I promiſe to pay Mr. Abraham Newland, or Bearer, on demand, the ſum of ten pounds.

London, the 20th day of January, 1796.

For the Governor and Company of the Bank of England. W. MULLENS.

Ten Pounds. Entered, S. FATT.

EDWARD LAVENDER *ſworn.—Examined by Mr. Fielding.* Q. In conſequence of ſome directions you received from the Solicitor of the Bank, you went, I believe, in purſuit of the priſoner?—*A.* It was merely to take examinations at Rocheſter: I went on Thurſday the 5th of October, in conſequence of making ſome little enquiry at Rocheſter, I had reaſon to believe the perſon we then enquired after was either at Rocheſter or at Chatham at that time; we made further enquiry, and found that a perſon of that deſcription was gone to Sheerneſs, with the tide-boat, and as ſoon as the tide ſuited, I alſo went to Sheerneſs, and made enquiry there, and was directed to go on board the Hydra ſhip, at the Great Nore; I had John Rivett with me, and alſo North, the waiter from the George Inn, at Rocheſter, I believe his name is Thomas; we took a boat to the Great Nore, and went on board the Hydra frigate; I communicated my buſineſs to Sir Francis Le Foy, the captain, he immediately ordered all hands to be called on deck, to be muſtered, to give an opportunity of ſeeing the perſon; in a few minutes, before half the people could get on deck, Mr. Franklyn came on the quarter-deck, and North, the waiter, exclaimed, that is him; whether Mr. Franklyn heard the exclamation or not I do not know, but he immediately went down below; Sir Francis then called to the maſter at arms to go and ſecure Mr. Franklyn, I alſo followed below; the maſter at arms went one way, and I went the other, and he got to Mr. Franklyn firſt; I then aſked Mr. Franklyn which was his birth, which he very readily pointed out to me; I then aſked him which were his trunks or boxes, he alſo readily pointed them out to me; I then aſked him for the keys of the boxes, and he gave them me out of his jacket pocket; I think then, before I opened either of the boxes, I aſked him if he had got any Bank-notes; he replied, none but what I ſhould find in the trunk; I opened the trunk, and in ſearching, I found a purſe containing ſmall Bank-notes to the amount of one or two and twenty pounds, and ſome gold, the gold I returned to him, and kept the notes at that preſent time; I aſked him afterwards what he had done with the five hundred pounds worth of Bank-notes that he had brought from London; he heſitated a little, and at length replied, that he had no other; I had ſome further converſation with him which I do not immediately recollect; I told him he muſt go on ſhore with us, that I muſt take him to town; he then ſat down on his trunk to dreſs himſelf for that purpoſe; I again aſked him if he had not got ſome more Bank-notes; he then ſays, yes, I have, and I will tell you where they are; but before he could tell me, Rivett came with the parcel in his hand, and ſaid, I have found them; that parcel contained Bank-notes, they are here, they amounted to four hundred and fifty pounds; we, as ſoon as we conveniently could, brought him on ſhore, and took him to London.

Q. Four hundred and fifty pounds was the whole that Rivett found?—*A.* Yes.

Q. You had aſked him before what he had done with the five hundred pounds worth of notes?—*A.* Yes; I took the notes I found in the trunk to the Bank, and had them examined, they were good; I have ſince returned them to a friend of the priſoner's.

Q. Was there any examination of him taken in writing?—*A.* I believe not.

Croſs-

Croſs-examined by Mr. Gurney. Q. You ſay very fairly, that when you enquired about his trunk, he told you, with the greateſt readineſs?—*A.* Yes; certainly.

Q. And he gave you the key?—*A.* Yes.

JOHN RIVETT *ſworn.*—I was in company with Mr. Lavender, on board the Hydra frigate; Mr Lavender ſtated to the captain the circumſtance of our coming there, and in conſequence of that, he ordered the boatſwain to pipe all hands; the priſoner at the bar came upon deck, and immediately returned below again.

Q. How came he to go below again?—*A.* I do not know; the captain deſired the maſter at arms to ſecure him, and I went below and ſearched the priſoner's trunks, but there was nothing particular found; in the place where I ſuppoſed his bed would be, in ſearching a locker, in the priſoner's birth, a little place like a cupboard—

Q. Was it locked?—*A.* No, it was not; it had a place to ſit down upon it, and behind ſome old biſcuit bags that were in the locker, I found a pocket handkerchief rolled up, and in that handkerchief there were ſome Bank-notes, they amounted, I think, to four hundred and fifty pounds; I immediately called Mr. Lavender into the birth, and told him I had found theſe notes; I kept them till we got to town, and then I gave them to Mr. Lavender; I marked them all before I delivered them to Mr. Lavender.

Court. Q. What is the apparent value of them?—*A.* The loweſt, I believe, is fifteen pounds, and the higheſt one hundred pounds.

Q. When you had found theſe notes, where did you go?—*A.* I told the priſoner I had found theſe notes in the place that I ſuppoſed was his birth; he made little or no anſwer at firſt; ſometime after, he ſaid, he had received them from a man who had robbed him, and we then brought him up to town.

Croſs-examined by Mr. Knapp. Q. I believe, in point of fact, you underſtood the priſoner had not been on board the Hydra till within a day or two?—*A.* Something of that kind.

Q. You ſaid properly, you ſuppoſed it to be his birth?—*A.* I could not know it myſelf, and the priſoner did not chuſe to tell me; he ſaid he had no birth, or ſomething of that ſort; I have no birth; where is your bed, or your cot, ſays I; he told me it was upon deck; I then went to the firſt lieutenant, and aſked him, and he ſhewed me the birth.

Court. Q. Was his cot upon deck?—*A.* Yes, it was; as I underſtood it was not in the birth, I aſked him where his birth was, and his bed; ſays he, my bed is upon deck; ſays I, where is your birth? I have no birth.

Mr. Knapp. Q. Then he referred you to the cot which was upon deck?—*A.* Yes.

Q. When he ſaid he had no birth, did he not add, that he had no birth particular to himſelf, that other perſons occupied the ſame birth as well as he?—*A.* Certainly, I ſhould ſuppoſe ſo.

Q. Will you ſwear that he added nothing more than that he had no birth?—*A.* I do not recollect that a word paſſed more than that he had no birth.

Q. Do you happen to know, that the birth that you afterwards found this locker in, belonged to five other perſons?—*A.* I underſtood there were ſome other young men that meſſed with him.

Q. You told me juſt now, that he had only come a day or two before?—*A.* I underſtood ſo on board the ſhip.

Q. The priſoner was not at the birth when you went down?—*A.* No.

Q. The locker was open?—*A.* Yes.

Q. The notes you found out were behind ſome biſcuit bags?—*A.* Yes.

Q. The biſcuit bags had the appearance of having been there ſome time?—*A.* I cannot tell how long they might have been there.

Mr. Giles. Q. He told you he had received theſe notes from a man who had robbed him?—*A.* Yes.

Mr. Knapp. Q. In point of fact, a man was taken up, and examined at Bow-ſtreet, upon a charge of that kind?—*A.* Yes; he certainly did complain of being robbed ſome days before he was taken up, and came to Bow-ſtreet to make his complaint.

JOHN NORTH *ſworn.—Examined by Mr. Fielding.* I was waiter at the George-Inn, at Rocheſter, in October laſt.

Q. Look at the young man at the bar?—*A.* I recollect the priſoner very well.

Q. Do you recollect the arrival of Lavender and Rivett at your houſe?—*A.* Yes; I think it was on the 5th.

Q. You went with them on board the Hydra frigate?—*A.* I did; I ſaw the priſoner there; it was intimated that I knew the man, I knew him the moment I ſaw him, I ſaid, that is the man.

Q. Then what became of him after?—*A.* He went down below immediately, upon that I ſtaid upon deck.

Q. When you ſaw him before, in what place had you ſeen him, ſo as to know that he was the perſon?—*A.* At the George, at Rocheſter, on Wedneſday the 27th of September, to the beſt of my knowledge; he came to our houſe in the evening, he enquired of me for a place in the mail-coach to London, that very evening; he had a ſailor with him at the time; he ordered ſupper, a roaſt fowl and ſome other things; he eat his ſupper, drank two bottles of Liſbon, and then a bowl of punch; he then

came

came out into the kitchen, and ſaid, he had got ſome notes in his pocket, and a pocket-book that he had had the misfortune to drop into the ſea coming from abroad, the leaves of the pocket-book were edged with green, which had ſtained theſe Bank-notes; he aſked me if I could give him caſh for a note or two, I told him that I could not; he aſked me, if my employer could do it, I told him, I would enquire, and then I told him that he could not; he afterwards paid me for his ſupper in caſh, and he had in bulk, as near as I can imagine, thirty guineas in caſh.

Q. That was, he had aſked you, if you could exchange him a note?—*A.* Yes; he afterwards came to the bar, and aſked it as a favour to give change for a note; I told him he did not want caſh, for he had got plenty of caſh; I told him, that when he took the place in the mail-coach, probably the book-keeper might give him change for it; he afterwards appeared much diſguiſed in liquor, and about half-paſt eleven o'clock he deſired to go to bed; I told him it was of no uſe to go to bed, for the mail-coach would be in about half after twelve, and he would have very little time, if he meant to go with the mail-coach; he ſaid, he would go when the mail-coach came in; the chamber-maid went to call him, he ſlept in a double bedded room, when the chamber-maid went up, he had his coat off.

Q. Did you ſee that?—*A.* No.

Q. Did you happen to ſee any thing of him afterwards?—*A.* He did not go by the mail; I was deſired to call him at ſix o'clock, I called him about ſix o'clock.

Q. Was there any other perſon in that room when you called him?—*A.* No; he ordered coffee.

Q. Did he come down out of his room when the coffee was ordered?—*A.* Yes; the coach came to the door, and I put the things in; there was a bundle tied up in a white handkerchief, a brace of piſtols, and a hand whip; when I had put them in the coach, he came running back, exclaiming, that he was robbed; I aſked him what he was robbed of; he told me, that he was robbed in caſh and notes, to near the amount of forty pounds; I ſaid, poſſibly, as you were very much in liquor, you might have ſhook it out of your pocket; and he deſired I would take the things out of the coach, for he would not go on; then the things were taken out, and put into the room again; I begged of him to go up ſtairs with me, and to ſhake the bed-clothes, I called the chamber-maid up with us, and we ſhook the clothes, and took the bed off the bedſtead, but could not find any thing; he ſaid, he would adverti ſe, and a ſuſpicion fell upon two men that had ſlept in that room the night before; he ſtaid till near two o'clock in the afternoon; ſome time after he made himſelf very eaſy, he ſaid, it would not ruin him, and he ſhould make himſelf eaſy till he got to London; when Mr. Lavender and the other officer came, I went with them on board the ſhip.

Croſs-examined by Mr. Gurney. *Q.* All this part of the converſation, about the notes, was after they had drank two bottles of Liſbon, and a bowl of punch?—*A.* Yes.

Q. Do you know what proportion of the liquor they had had?—*A.* After the ſecond bottle was in; and, I believe, three parts of it was by that time drank.

Q. Was the punch in too?—*A.* I cannot ſay.

GARNETT TERRY *ſworn.—Examined by Mr. Knowlys.* *Q.* You are an engraver, employed by the Bank of England?—*A.* I am.

Q. Look at that parcel of Bank-notes, are they, in your opinion, printed at the Bank of England?—*A.* No, they were not; theſe are forged prints; here is not one of them that was printed at the Bank.

Q. How long have you been engraver to the Bank?—*A.* About two years and a half.

Q. Look at that ten pound note?—*A.* This is a forged note; I have no doubt but they are all of one manufactory.

Croſs-examined by Mr. Knapp. *Q.* You ſeem to have ſome difficulty; you took ſome time to look at them?—*A.* You ſaw the time.

Q. Having taken ſome time to conſider whether they were good notes or not, they might quite as eaſy come into a ſailor's poſſeſſion without his knowing them to be forged?—*A.* Yes.

THOMAS NICHOLSON *ſworn.—Examined by Mr. Giles.* I am clerk to the Houſe of Correction for the County of Middleſex.

Q. Look at that paper; did you receive it from any body?—*A.* Mr. Franklyn; I ſaw him write it.

Croſs-examined by Mr. Gurney. *Q.* I do not know what that paper contains, but I wiſh to aſk what paſſed before it was printed?—*A.* Barnett was taken up for a ſimilar offence, and he was writing his confeſſion as well as Mr. Franklyn was.

Q. Was it for the purpoſe of his being made uſe of as a witneſs againſt Barnett?—*A.* No; I adviſed Mr. Franklyn to write it that it might be of ſome ſervice to him afterwards.

Mr. Fielding. Then we cannot produce it.

Priſoner's defence. My Lord, and Gentlemen of the Jury, I cannot ſpeak very loud, I have a violent cold. My Lord, I could not ſuppoſe theſe notes forged from the different evidence I ſhall bring forward in my favour, if I had known them to be forged I ſhould not have made any enquiry about them; my reaſon for leaving the quarter-deck was, I was obliged to do it, it being my duty

to

to ſee all hands on board before I came up myſelf; I have no particular birth, theſe notes were expoſed to every body in the birth, there were ſix meſſed together; I had had no reaſon to ſuppoſe they were forged.

GUILTY Death. (Aged 29.)

Of uttering knowing to be forged.

Tried by the firſt Middleſex Jury, before Mr. Juſtice GROSE.

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2. THOMAS WARDROPPER was indicted for that he, on the 28th of February, 1787, did marry one Ann Archer, ſpinſter; and afterwards, on the 17th of December, 1791, did marry and take to wife Alice Doyle, ſpinſter, his former wife being then alive.

(The indictment was ſtated by Mr. Conſt, and the caſe by Mr. Fielding).

—— NEWMAN *ſworn.*—I am the beadle of St. Clement Danes: I was preſent at the marriage of Ann Archer, in the month of February, 1787, at the church of St. Clement Danes; I ſaw her within theſe two or three months.

Croſs-examined by Mr. Knowlys. Q. Perhaps you know a little of this marriage; it was forced upon him by the pariſh, was not it?—*A.* I do not know that it was.

Q. He was locked up, was not he, till he did conſent?—*A.* He was.

Q. There was a pariſh complaint againſt him, for increaſing the number of inhabitants?—*A.* Yes.

WILLIAM ARCHER *ſworn.—Examined by Mr. Conſt.* I am the father of Ann Archer, the wife of the priſoner, ſhe was born November 5, 1760; ſhe was married in 1787.

Croſs-examined by Mr. Knowlys. Q. Do you know whether your daughter was abſent any time in France?—*A.* No; I do not know in particular about that; but when ſhe came back again, I have heard her ſay, ſhe had no where to go to.

Q. Has ſhe not been out of the kingdom?—*A.* I do not know that.

Q. Has ſhe been much with you ſince her marriage?—*A.* Not latterly.

Mr. Fielding. Q. You were not preſent when your daughter was married?—*A.* No.

ROGER HARRISON *ſworn.—(Produces the regiſter book of St. Clement's, and reads);* Thomas Wardropper, of this pariſh, and Ann Archer, ſpinſter, were married at this church, the 28th of February, 1787.

JOHN BYROM *ſworn.*—I was preſent at the marriage of the priſoner, at St. Mildred's church; I think it is a church on the right hand ſide as you come up from Thames-ſtreet, in 1791, I think it was the 17th of December; he was married to Miſs Doyle; ſhe went by that name at that time, her name was, I believe, Elizabeth, I am not certain.

Mr. Fielding. (To Archer.) Q. When did you ſee your daughter laſt?—*A.* I ſaw her laſt night at ſix o'clock, ſhe is very ill.

Byrom. Croſs-examined by Mr. Knowlys. Q. Do you mean to ſay you know the priſoner?—*A.* I know very little of him.

Q. Do you know if it was the priſoner?—*A.* Yes; that is the gentleman.

Q. There are two churches in Bread-ſtreet?—*A.* I do not know.

Q. Whereabout in that ſtreet was it?—*A.* I conceive, learned Sir, that that is not neceſſary.

Q. I conceive it is, and therefore I deſire to know?—*A.* It is that which is loweſt down to Thames-ſtreet.

PETER SPIRE'S *ſworn.—Examined by Mr. Conſt.* I am clerk of St. Mildred's, *(produces the regiſter book, and reads):* Thomas Wardropper, of the pariſh of St. Mildred's, and Alice Doyle, of the ſame pariſh, ſpinſter, were married in this church, by a licence, this 17th day of December, 1791.

ALICE DOYLE *ſworn.*—Q. Look at the man at the bar?—*A.* I know him very well; I married him at St. Mildred's, Bread-ſtreet, on the 17th of December, 1791.

Q. You had been living with a Mrs. Cole, I believe, in the City?—*A.* Yes.

Q. How long had you known that man before he perſuaded you to marry him?—*A.* Only the October before.

Q. At the time he married you you were in an unfortunate ſituation?—*A.* I was.

Q. And he knew that you were viſited by ſome gentlemen?—*A.* Yes.

Q. How long was his prior marriage concealed from you?—*A.* Till the latter end of the year 1792.

Q. Then you had lived with him through 1791, till the time when you diſcovered that he was previouſly married to another?—*A.* Yes; till a perſon called upon me, and informed me of it.

Q. You continued to live with him ſtill, for ſome time after?—*A.* Yes; till September, 1795.

Croſs-examined by Mr. Knowlys. Q. You were living with a Mrs. Cole, you ſay?—*A.* Yes.

Q. You paſſed as Mrs. Cole's niece?—*A.* Mrs. Cole called me ſo.

Q. I ſuppoſe you have been intimate with Mrs. Cole ever ſince?—*A.* No, I have not.

Q. When did you ſee her laſt?—*A.* I have not ſeen her ſince Mr. Wardropper was taken up upon this charge.

Q. Where did ſhe live at that time?—*A.* On Bread-ſtreet-Hill.

Q. Do

Q. Do you know whether ſhe lives there now?—*A.* No, ſhe does not.

Q. How long has ſhe ceaſed to live there?—*A.* I do not know; ſhe lives now on Dowgate-hill.

Q. Do you know how it happens that ſhe has not been to be met with during this ſeſſions, or the laſt?—*A.* No.

Q. You have not been there yourſelf, nor heard from her?—*A.* No.

Q. Mrs. Cole knew of the courtſhip, did not ſhe?—*A.* Yes.

Q. I wiſh you would attend ſeriouſly to what I am going to aſk you.—Had you never heard, before you married this man, that he was a married man?—*A.* No.

Q. Be a little cautious; I will put the queſtion to you—Had you never heard, before you married this man, that he was a married man?—*A.* No, I had not.

Q. You never had any converſation of that ſort with Mrs. Cole?—*A.* No, I never had.

Q. You never, perhaps, have told any body that you knew this man was a married man?—*A.* No, never in my life.

Q. I believe he had a child, had not he?—*A.* Yes.

Q. Did you take that child home to the houſe with you, where you lived, as ſoon as you were married?—*A.* Not to Mrs. Cole's, but to a lodging of our's.

Q. Was that as ſoon as you were married?—*A.* The January after.

Q. And you were married in December?—*A.* Yes.

Q. Upon your oath, did you not know that this child was a child that he had by his wife at that time?—*A.* No.

Q. Do you know a perſon of the name of Jones, the wife of Mr. Jones, a dyer, in the Borough?—*A.* Yes, perfectly well.

Q. You, perhaps, know a perſon of the name of Jacobs?—*A.* I know there is ſuch a perſon.

Q. Have you not known ſuch a perſon, and ſeen him very often?—*A.* I have ſeen him ſtanding at his own door.

Q. Have you not been often in his company?—*A.* No.

Q. You never had any converſation with him, perhaps?—*A.* I recollect once ſpeaking to him.

Q. Have not you had a converſation with him ſince this man has been committed?—*A.* No; he called at my houſe ſomething about a watch, but I do not know whether it was before or ſince Mr. Wardropper was taken—Oh, yes, I do recollect it was before he was taken; I am ſure it was not after.

Q. Then you heard of this marriage in 1792?—*A.* Yes.

Q. How early in 1792 did you hear of it?—*A.* I believe it was about July, 1792.

Q. We are now arrived at December, 1797?—*A.* Yes.

Q. When did you firſt proſecute this man for Bigamy?—*A.* I think it was laſt February, there was a warrant iſſued out, but they were not able to take him.

Q. Do you know a gentleman of the name of Douglas?—*A.* Yes.

Q. You know him intimately well, do you not?—*A.* Yes.

Q. Do you not occaſionally paſs as Mrs. Douglas?—*A.* No; I am called by my own name.

Q. There are people who ſee you and Mr. Douglas, who occaſionally call you Mrs. Douglas?—*A.* No; they do not.

Q. Mr. Douglas lives in the ſame houſe with you?—*A.* No.

Q. Does not he ſleep in that houſe four or five times a week?—*A.* No.

Q. How often a week does he ſleep there?—*A.* He has ſlept there but very ſeldom.

Q. Perhaps Mr. Douglas paid for a good deal of the furniture of that houſe?—*A.* Yes.

Q. Does not his money furniſh the preſent proſecution againſt this man?—*A.* It is my money.

Q. But is it not given you by him for the purpoſe of proſecuting this man?—*A.* It is given me to ſupport me.

Q. You have ſo much good ſenſe, that you muſt underſtand me, you do not conceal your good ſenſe any more than your beauty; your good ſenſe muſt underſtand what I mean?—*A.* Mr. Douglas ſupports me, and the money that I have from him will certainly pay for this proſecution.

Q. Does not Mr. Douglas know of this proſecution, and has he not ſeen the attorney upon it?—*A.* Yes.

Q. And he occaſionally ſleeps in the houſe in which you live, and in which a great part of the furniture is his?—*A.* He ſometimes does.

Q. Do you not know that he has written letters to the priſoner, threatening that if he came from Ireland, he would tranſport him for this offence?—*A.* I know he wrote one letter to him, after Mr. Wardropper had peſtered me with letters from Ireland.

Q. Then I aſk you whether you have not, ſince the writing of that letter, perſuaded Wardropper to give you up that letter?—*A.* No; I did not.

Q. At whoſe deſire was this man ſent to Ireland?—*A.* By his own wiſh to go.

Q. Was it by the deſire of Mr. Douglas?—*A.* No; he did not know it then.

Q. Was it before Mr. Douglas and you became acquainted, that he went to Ireland?—*A.* No.

Q. Ward-

Q. Wardropper has not been living with you ſince Mr. Douglas has been acquainted with you?—*A.* I have not lived with Mr. Wardropper ſince I firſt quitted him.

Q. Have you been all that time acquainted with Mr. Douglas?—*A.* Not the whole of the time.

Q. How long after you had parted with him, did your acquaintance with Mr. Douglas commence?—*A.* About two months after, I believe.

Q. I believe I am miſtaken, about Mr. Douglas ſending thi sman to Ireland; I believe it was a Mr. Henry?—*A.* No, he is now dead.

Q. Mr. Henry was an acquaintance of your's too?—*A.* Yes.

Q. In the ſame way that Mr. Douglas was?—*A.* No.

Q. Then, from July 1792, to February 1797, you did not know of his former marriage?—*A.* No.

Q. And it was not till after you became acquainted with Mr. Douglas, that this proſecution was commenced?—*A.* It would have began ſooner, if Mr. Wardropper had molеſted me.

Q. In the mean time, Mr. Douglas had furniſhed the houſe?—*A.* It was not for Mr. Douglas that it was done.

Priſoner's defence. I came to town with Mr. Opie, the banker, the 1ſt of November, and was introduced to Miſs Doyle, as Mrs. Cole's niece; Mrs. Cole I cannot find ſince I was taken up, ſhe aſked me what I thought of her niece, I ſaid, I thought ſhe was a very fine girl; ſhe aſked me, if I would have her, for ſhe knew the ſituation ſhe was in, and I ſaid, I did not know whether I was married or not, for I was in a ſtate of inebrity at the time; ſhe has been down to the county of Durham to ſee my friends.

For the Priſoner.

DAVID JACOBS *ſworn.*—I live in Peter's-ſtreet, Weſtminſter.

Q. Do you know Miſs Doyle?—*A.* Yes; I have known her about five years.

Q. Have you ever had any converſation with her?—*A.* A number of times, at various parts of the town, and particularly at the Flaſk, at Chelſea.

Q. Has ſhe ever told you the circumſtance of her marriage with Wardropper?—*A.* She has ſeveral times.

Q. Did ſhe ever tell you, whether ſhe knew of this circumſtance at the time ſhe married him?—*A.* Yes; ſhe ſaid he was a journeyman butcher.

Q. Did ſhe know what his connections were, and ſo on?—*A.* That I cannot anſwer; ſhe ſaid, ſhe was ſo infatuated with him, that ſhe would have him at any event.

Q. Do you know whether Wardropper was a married man at the time ſhe married him?—*A.* She told me, that ſhe knew Wardropper was married to one Archer, ſhe told me the church they were married at.

Q. When did ſhe know that he was married to this Ann Archer?—*A.* Before ſhe married Wardropper.

Q. Did ſhe ever tell you that?—*A.* Yes, certainly, ſhe did.

Q. Has ſhe told you that once, or more than once?—*A.* More than ten times when I have been in company with her.

Q. Were you ever free at all with her?—*A.* As much ſo as a man could be with a woman.

Court. Gentlemen of the Jury, in attending to the evidence, you ſee that both marriages are proved, therefore he muſt be convicted; at the ſame time, I have ſeen enough in this caſe to convince me that it is not one of thoſe caſes in which ſevere puniſhment ought to be inflicted; you will therefore find him guilty, and leave the puniſhment to the Court.

GUILTY.

Fined 1s. and diſcharged.

Tried by the London Jury, before
Mr. RECORDER.

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3. SIMON PLUNKETT was indicted for feloniouſly ſtealing, on the 10th of Auguſt, a grey gelding, value 10l. the property of Joſeph Goddard.

(The caſe was opened by Mr. Conſt.)

JOSEPH GODDARD *ſworn.*—On Wedneſday the 9th of Auguſt, in the evening, a grey gelding of mine, was drove into a field near my houſe, and when the man went in ſearch of him the next morning, he was gone, the gate was found wrenched off; I miſſed him about five the next morning; I ſent a man out with hand-bills, and the ſame horſe was brought to me afterwards, by John Ridgeway, on the 6th of the next month.

JOHN RIDGEWAY *ſworn.*—I am ſervant to Mr. Goddard; I was informed, by a farmer's man, that my horſe was gone, and I went and looked at the gate; the gate was broke open with a ſtake, the ſtake lay juſt by the gate, and then I went off to London in ſearch of him; bills were printed, and he was advertiſed; in conſequence of a letter ſent to me, I went after him; I ſtopped at Rygate, and had ſome information there; in conſequence of which, I went to a place called Blythe, there I had further information, and went to a place called Boſield, and we went from place to place, till we came to a place where there had been a fair about ſix days before, and there I heard that the priſoner had parted with the horſe, and we traced him to a place called Bentley-green, and from thence to Tunbridge-Wells, and then to Trowbury-gate, near

near Cuckfield, in Suſſex, and we got nearer to him then.

Q. In conſequence of all the information you received, did you at laſt come up with him?—*A.* Yes, at Trowbury-gate, there he had pitched his tent; Mr. Homewood, who was with me, aſked him what he had done with his grey horſe, and he ſaid, he had parted with him; I then got off my horſe, and took him by the collar, and told him, he muſt go with me; he aſked me for what? upon very ſtrong ſuſpicion of horſe-ſtealing, ſays I.

Q. Did you tell him from whom?—*A.* No, I did not; he aſked me where my warrant was, I told him I had none; he rather ſcrupled going, and I told him he ſhould go; I went to the public-houſe, and got ſome ropes to tie his hands; I went with him to one Mrs. Burt's, and ſat up with him all night; I heard him talking to himſelf, he ſaid, Goddard, Goddard, he appeared to be dreaming, that he had ſold horſes for Goddard about forty years ago.

Croſs-examined by Mr. Alley. Q. That was a dream about Goddard?—*A.* Yes.

Q. Did he mention any thing about a man of the name of John Glover, that was a horſe-dealer, that he had a horſe from?—*A.* No.

Mr. Conſt. Q. Were you the perſon that went afterwards and found the horſe?—*A.* Yes, it was the ſame horſe; I found it in Mr. Luck's poſſeſſion, I had bought the horſe for Goddard.

Mr. Alley. Q. What diſtance was the place where you loſt the horſe, from where you found the priſoner?—*A.* Eighteen or twenty miles.

JOHN PIPER *ſworn.*—In conſequence of ſome advertiſements, I ſaw the grey horſe that was deſcribed, in the poſſeſſion of the priſoner, on the 15th and 16th both; he pitched his tent juſt by my houſe, and there he ſtaid all night, and in the morning he offered me the horſe for ſale; ſays he, the loweſt price that I will take for it, is ſixteen guineas, but we did not agree for it; I aſked him where he brought the horſe from, he ſaid, out of Southampton; I think he ſaid he had run nine months in the Yarmouth mail, ſome mail, I think Yarmouth, and I aſked him the reaſon of their parting with ſuch a horſe, it was a nice young horſe, and he ſaid, they parted with it for being too heavy; then he offered me a black mare that he had got, but I had no dealings with him.

Croſs-examined by Mr. Aley. Q. Are you ſure this was the 15th and 16th of Auguſt?—*A.* Yes.

Q. Have you any particular reaſon for knowing it was not the 17th?—*A.* Yes.

Q. What is the reaſon?—*A.* I was helping a man to put ſome timber upon a carriage, it was on the Tueſday, I am ſure it was the 17th.

Q. He talked about the Yarmouth mail, did he not ſay, that that was what the perſon, that he bought it of, had told him?—*A.* No.

WILLIAM LUCK *ſworn.*—I know the perſon of the priſoner, I changed a horſe with him on the 23d of Auguſt.

Q. The ſame horſe that Goddard has claimed?—*A.* Yes; I gave him eight guineas to boot, and another horſe that coſt me about eight and a half, he ſaid his name was Hall.

Q. Are you ſure he ſaid his name was Hall?—*A.* Yes; and I aſked him whether he was any kin to Mr. Hall, of Riverhead, and he ſaid no, no kin at all.

Croſs-examined by Mr. Alley. Q. The money that you gave him, and the other horſe was a fair price, was not it?—*A.* Yes.

Q. It was a public ſale, there was no talk about the tranſaction?—*A.* None.

Q. Did not he tell you he had bought the horſe himſelf of a man of the name of Glover?—*A.* No, he did not.

—— COLLINS *ſworn.*—I know the priſoner very well, by ſight, I ſaw him here laſt ſeſſions; I unluckily introduced him to my neighbour, Mr. Luck, and I ſaw them go backwards and forwards in the road to try the horſe, and my neighbour agreed for the horſe, at eight guineas, and my neighbour's horſe; ſays he, what is your name, ſays he, Hall; ſays he, are you any kin to Hall, of Riverhead; he ſaid, no, but he knew him very well, and had ſold him many a horſe; he ſaid, the horſe did not ſuit the buſineſs that he wanted him for.

Croſs-examined by Mr. Alley. Q. He would not abate a farthing of the price he aſked?—*A.* No.

Q. Do you know a man of the name of Glover, a horſe-dealer, who has been once tried?—*A.* No.

—— HOMEWOOD *ſworn.*—I ſaw the horſe, on the 2d day of Auguſt, in the priſoner's poſſeſſion; he offered to ſell me the horſe, I did not know that it had been ſtole till the laſt day of Auguſt; Mr. Piper came to me, and I went round to all the places with Ridgeway; he had more horſes with him, and I purchaſed a black mare of him; I purſued with Ridgeway till we came up with him, which was a little way from Trowbridge-hill, and there we took him; I ſat up in the room part of the night with him; when he offered me the horſe, he told me his name was Simon Plunkett.

Croſs-examined by Mr. Alley. Q. Do you not know that he is a man that travels about the country, dealing in horſes?—*A.* I did not know it before; I do not know that I ever ſaw him before that time.

Priſoner's defence. This grey horſe, and this black mare, I made an exchange for, at Mitcham, with one

one John Glover, who is very well known in Kent, Suſſex, and Middleſex; he ſerves this country with a great many good colts and horſes; he overtook me coming from the White-hart, at Mitcham, as I was bound to London; he ſays, Plunkett, I am glad to ſee you; then we went to the White-hart, there was a cricket-match upon the Green, and a great many people upon the Green, we had a pot of ſixpenny together; this grey horſe, ſays he, I had from a place called Sleep-green; ſays he, Plunkett, you muſt give me ten guineas and your mare; and after we had drank a pot or two together, I told him I would advance him eight guineas, that I had no more caſh but nine about me, and I ſhould want it to travel with; he told me I was welcome to all if I liked, and I paid him eight guineas, this was the 17th day of Auguſt; I let a bricklayer have him to ſee if he would draw; ſays Glover, I had him out of the Yarmouth Mail-coach; ſays he, you know the ſand upon that road is very heavy, and this horſe is too heavy for them; I ſold it to Mr. Luck, for eight guineas and another horſe, and I thought it was a very good chop; I overtook Mr. Homewood, and offered him the black mare, and I was afterwards purſued and taken.

NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. Baron PERRYN.

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5. HENRY YOUNG was indicted for feloniouſly ſtealing, on the 27th of October, fifty-five pounds of braſs, value 36s. the property of the Governor and Company of the Chelſea Water-Works.

THOMAS SIMPSON *ſworn.*— I know the property to be the Company's, it was ſold to Mr. Birch, in Holborn, the Company's braſs-founder; it was loſt from the Chelſea Water-Works, and, in ſorting it over, he found fifty-five pounds of braſs belonging to the Company; he is not here.

ANN KULEYMAN *ſworn.*—The priſoner brought to me, at different times, ſix pieces of braſs; I am a dealer in that article.

Q. When did he firſt bring you any?—*A.* It is ſo long ago I cannot tell you; I did not know what they belonged to, it is a plain piece of braſs with a notch in the middle of it; I ſold it, at different times, to the man that I ſell all my old braſs to, Mr. Wadſworth, he is in Court.

—— WADSWORTH *ſworn.*—I deal in braſs: I have purchaſed braſs frequently from the laſt witneſs; among them were ſome pieces that I have ſince found, belonged to the Chelſea Water-Works; I ſold a quantity of pot-metal, as we call it, to Mr. Birch, and theſe pieces among them; Mr. Simpſon came to my houſe to enquire about it, and the man was taken up.

WILLIAM BOWYER *ſworn.*—I am an officer: *(produces ſix pieces of braſs);* I apprehended the priſoner, that is all I know about it; Mr. Birch is not here.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. Baron PERRYN.

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6. JOSEPH CHETHAM was indicted for feloniouſly ſtealing, on the 2d of November, ſeven pints of brandy, value 10s. the property of Robert Jones.

(The caſe was opened by Mr. Knowlys).

HENRY HILLMAN *ſworn.*—I am one of the Exciſe-watchmen, upon Sommers-quay; there were ſeventeen caſks of Foreign brandy of Mr. Robert Jones's there; I did not know any thing of the priſoner before this happened; on Thurſday, the 2d of November, about eight in the evening, I ſaw him lying behind a puncheon of brandy of Mr. Jones's, he had a bladder in his hand, whether he was taking it away, or fixing it to the caſk, I cannot ſay; ſeeing me, he got up and knocked me down; I caught him again, and he knocked me down again with his fiſt, that was about ten yards from the caſk.

Court. *Q.* By a fair blow, or did he ſhove you down?—*A.* A fair blow; he ſtruck me ſomewhere about the breaſt; then I caught him again, and knocked him down; he had then got into Thames-ſtreet, there I got aſſiſtance and ſecured him; he had left the bladder behind him, it was fixed to the caſk; I went after the bladder, and there were ſeven pints in it; it was then in the cuſtody of Mr. Gower.

Q. Was the bladder that you ſaw when you came back, like that which you firſt ſaw in the priſoner's hand?—*A.* Yes.

Q. How was it fixed to the caſk?—*A.* There was a plug put into the caſk, and a quill fixed in the neck of the bladder, and put in where the plug was, and then there was another hole made at the top of the caſk for vent.

JOSEPH GOWER *ſworn.*—I am a watchman: I was walking backwards and forwards upon Sommers-quay, I ſaw the priſoner and another man, at ſix o'clock; I had obſerved him there from ſix o'clock till the time the laſt witneſs ran after him; I ſaw them lurking about the brandy caſks till I ſaw Mr. Hillman going after the priſoner; and then I went to the brandy caſk, and took the bladder out; it had the ſame quantity of liquor in it that it has in it now.

Q. How was the bladder ſituated?—*A.* There had been a hole bored into the brandy caſk with a gimblet, then there was a quill tied to the neck of the bladder.

Q.

Q. Could the quill have been introduced after the hole had been bored?—*A.* Yes; I took the quill out of the hole in the caſk, and drove a ſpile into it, to prevent the brandy guſhing out; I ſtaid with the brandy till Mr. Hillman came back again.

(William Green, the conſtable, produced the bladder, which he had received from Mr. Hillman).

Q. *(To Hillman).* Is that foreign brandy?—*A.* It is, it was taken out of Mr. Robert Jones's caſk.

JOSEPH LOWE *ſworn.—Examined by Mr. Knowlys.* I am an Exciſe-guager: I had guaged this caſk between three and four in the afternoon of the 22d of November; the next morning, I was ordered by the Land-ſurveyor to guage it again, which I did, and I found deficient from four to five gallons, it is foreign brandy; the hole was a great deal too large for the quill; I am ſure that a great deal muſt have run waſte.

Priſoner's defence. I was going home from work, and heard a cry of ſtop thief, and they laid hold of me; I never was near the caſk.

The priſoner called his ſerjeant, who gave him a good character. GUILTY (Aged 22).

The Court immediately pronounced ſentence of tranſportation for ſeven years.

Tried by the London Jury, before Mr. RECORDER.

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7. BENJAMIN PACKFORD was indicted for feloniouſly ſtealing, on the 17th of October, a leather pocket-book, value 5s. the property of David Young.

DAVID YOUNG *ſworn.*—I am a ſhip-chandler: On Saturday the 7th of October, about half paſt one o'clock at noon, I had my pocket picked by the priſoner and another, in Ball-alley, leading from George-yard, Lombard-ſtreet, which is a narrow paſſage; I found a man on each ſide of me with their hand in each pocket; the priſoner had my pocket-book, and gave it to the other; I ſaw it in the priſoner's hand; they ran away, and I caught the priſoner myſelf in three minutes, I never loſt ſight of him, I called out, thief; it was a red pocket book, worth about 5s. 6d.

Croſs-examined by Mr. Alley. Q. This was a paſſage leading into George-yard?—*A.* Yes.

Q. It is pretty dark there?—*A.* It is very dark.

Q. You never ſaw the priſoner before that day?—*A.* No.

Q. And you were a little alarmed, were not you?—*A.* No; I have gone through there five hundred times, and never was alarmed.

Q. Is not this paſſage ſo narrow that it is impoſſible for two or three men to paſs without rubbing one againſt the other?—*A.* Yes; that is the reaſon why I diſcovered my pocket-book was gone.

Q. Will you ſwear that that man had his hands in your pocket?—*A.* I have ſworn it.

Q. Did not you lay hold of his hand then?—*A.* I would if I could, but he was too quick for me.

Q. Was he ſearched afterwards?—*A.* Yes; before the Lord-Mayor, at the Manſion-houſe.

Q. And yet, though you knew the other man had the pocket-book, you ſuffered him to go away?—*A.* The pocket-book was brought to me.

Q. And you charged the man that brought you the pocket-book with being the man that took it?—*A.* No, I did not; it was brought to me at the Jamaica coffee-houſe; there were a great many conjectures about it, how I ſhould come by it again ſo ſuddenly.

Q. Was this a wet or a dry day?—*A.* It was a very dirty day.

Q. Your pocket-book was quite in the ſame ſtate in which you loſt it?—*A.* Yes.

THOMAS WARD *ſworn.*—I am a conſtable *(produces the pocket-book)*; I had it, I believe, from captain Young, the laſt witneſs; it was given me in the coffee-houſe.

Q. Did you ſee the man in the coffee-houſe that brought it there?—*A.* Yes.

Q. Is he here to day?—*A.* Yes, he is.

JOHN HORTON *ſworn.*—I am a manufacturer of perfumery, ſervant to Mr. Johnſon, in Ball-alley, Lombard-ſtreet: I am the perſon that found that pocket-book, which, I believe, to the beſt of my knowledge is the ſame pocket-book; I found it under the covered way in Ball-alley, about three ſteps from the door of the academy; it was between one and two o'clock, I was going out to my dinner, when I found it; a gentleman ſaw me pick it up; and I carried it to the Jamaica coffee-houſe, and delivered it to Mr. Young.

Mr. Alley. Q. You found it in the covered way?—*A.* Yes.

Q. Then it was pretty clear it could not have been given to any perſon, and carried away?—*A.* I know nothing how it came there.

Q. Did not he charge you with ſtealing it in the coffee-houſe?—*A.* No; when I took it in, the gentleman that ſaw me find it, ſaid, here is the perſon who has found it; he ſaid, I do not know how he ſhould find it, for it has never been upon the ground.

Q. And you ſwear you did find it in Ball-alley?—*A.* Yes.

Court. (To Young). Q. Look at that pocket-book?—*A.* It is mine, it has my name in it, wrote by my clerk the day after I bought it.

Priſoner's defence. I am innocent of the fact.

The priſoner called eight witneſſes, who gave him a good character.

GUILTY (Aged 22).

Tried by the London Jury, before Mr. RECORDER.

8. MARY

8. MARIA THERESA PHIPOE, otherwiſe MARY BENSON, was indicted for the wilful murder of Mary Cox, October 25.

She ſtood charged alſo with a like murder, upon the Coroner's Inquiſition.

(The indictment was opened by Mr. Matthews, and the caſe by Mr. Conſt.)

LETITIA MUNDAY *ſworn.—Examined by Mr. Matthews.* I live at No. 18, Great Garden-ſtreet; Mrs. Phipoe lodged with me about ſix months; Mrs. Cox came to our houſe on Wedneſday, the 25th of October, ſhe knocked at the door, and I let her in.

Court. Q. Do you know upon what occaſion ſhe was ſent for, or what ſhe came about?—*A.* No; I do not know any thing about it; ſhe came and knocked at the door, and aſked for Mrs. Benſon.

Court. Q. Did the priſoner go by the name of Benſon?—*A.* Yes. I told her ſhe was at home, ſhe went up ſtairs; Mrs. Benſon came down to me in a few minutes after, and ſaid to me, Mrs. Munday, will you do me a favor, to get me half a pint of brandy, and change for a guinea, which I did; when I came back, I opened the door, and let myſelf in with the key; I came to the foot of the ſtairs and called, Mrs. Benſon, here is the ſtuff; Mrs. Benſon ſaid, I am not ready for you yet, I will call when I want you.

Q. What did you next obſerve?—*A.* I heard a great groaning, and a rattling in the throat, and a ſcuffling in the room; I went and called my oppoſite neighbour, of the name of Macdonald; ſhe came back with me, and I called out to know what was the matter.

Q. Did the noiſe continue when you returned?—*A.* No; the groaning had then ceaſed.

Q. How long had you been abſent?—*A.* As near as I can recollect, about ten minutes; Mrs. Macdonald ſtaid in the houſe while I went to call Miſs Eyles, and ſhe followed me immediately as faſt as ſhe could come; we all three went up together, and I inſiſted upon knowing what was the matter; Mrs. Benſon ſaid, nothing at all was the matter, the woman was only in a fit; I ſtill inſiſted upon knowing what was the matter again, and I would go for a doctor; ſhe ſaid, there was nothing the matter, ſhe was recovering, ſhe was rubbing her by the fire.

Court. Q. Was the door ſhut, ſo as to prevent you from making your own obſervations?—*A.* The door was ſhut, it was locked; but afterwards, in about five or ten minutes, ſhe opened the door a little way, ſo that I could ſee only a ſmall part of her face, and the ſkirt of her gown.

Q. Was it open ſufficient for you to gain admittance?—*A.* No.

Q. Was it the priſoner's face and ſkirt that you ſaw, or the deceaſed's?—*A.* The priſoner's; when ſhe opened the door, ſhe ſaid, you may come in, Mrs. Munday, but nobody elſe; I was terrified, and flurried, and did not go into the room; I then went out for a ſurgeon.

Court. Q. Who mentioned your going out for a doctor?—*A.* Miſs Eyles; I then went for a doctor, and left Miſs Eyles and Mrs. Macdonald up ſtairs.

Q. Did you procure a ſurgeon?—*A.* He was not at home, he followed me ſoon after.

Q. What was the doctor's name?—*A.* Pearce; when I returned to the houſe, I ſaw Mrs. Benſon walking about the paſſage, holding of her finger in my paſſage, juſt by my room door.

Q. Did ſhe make uſe of any expreſſion?—*A.* No, none at all.

Q. Did any body elſe come with the ſurgeon?—*A.* Yes, the beadles of the pariſh, Dunbar and Grey; they came all together, as near as I can tell; I ſaw the deceaſed ſtanding in my kitchen, with her head ſupported by her hand on the table.

Court. Q. Did ſhe make uſe of any expreſſion?—*A.* When I went in, I aſked her if ſhe could ſpeak, or make any motion, when ſhe ſhook her head, her throat was cut on the right ſide.

Court. Q. She did not ſpeak?—*A.* No; ſhe made a motion with her hand, acroſs her throat, and pointed up ſtairs, I ſaw no more; a ſurgeon came in, a coach was called, and ſhe was taken to the Hoſpital; Mrs. Macdonald's daughter came in juſt before ſhe was taken away.

Croſs-examined by Mr. Fielding. Q. There were a great many people, I take it for granted, flocking to the houſe?—*A.* The whole neighbourhood ſurrounded my door.

Q. Upon the ſame inſtant, when you entered, other people got in to ſee what paſſed as well as yourſelf?—*A.* There was Mrs. Macdonald, and her daughter, and my relation Miſs Eyles, nobody elſe to my knowledge.

Q. You were extremely flurried from the moment you went out, till the time you came in again?—*A.* Yes.

Q. You yourſelf did not attempt to put any further queſtion to the poor creature in that ſituation, than aſking whether ſhe could ſpeak, and ſhe making that motion, you declined aſking any further queſtions?—*A.* Yes; I then went into my own room.

Q. Leaving the ſurgeon and the other people in the kitchen?—*A.* Yes.

Q. Do you know whether Mrs. Cox was in the habit of viſiting Mrs. Phipoe before?—*A.* She often came to my houſe, once a week, or once a fortnight, and ſometimes twice a week.

Q. Did you ever hear her ſpeak of Mrs. Phipoe's kindneſs?

kindneſs to her?—*A.* I knew nothing more of her than letting her in.

Q. You never perceived any thing like ill-will between theſe two perſons?—*A.* I never heard a word of that kind.

Q. On the day that ſhe called, Mrs. Phipoe had not ſent for her, by your knowledge, at all?—*A.* Not to my knowledge.

Q. She ſtaid ſome time, and you did not hear any anger?—*A.* No.

Q. When you went out, you did not take up many minutes before you returned?—*A.* Near about ten minutes.

Q. Upon your return, you heard ſomething that appeared like a groan?—*A.* Yes; a groaning and ſcuffling in the room,

Q. What flurried you at that time?—*A.* Hearing the noiſe.

Q. Did not you aſk what it was?—*A.* When I told her I had got the ſtuff, ſhe ſaid, not ready for it.

Q. It was but a ſhort time, from the time you went out for Miſs Eyles, till you returned?—*A.* About a minute or two.

Q. Then how long was it before Miſs Eyles came?—*A.* Immediately.

Q. In conſequence of what paſſed then, Miſs Eyles deſired you to go for a ſurgeon, therefore it could not be very long before the ſurgeon, and the beadles came?—*A.* They followed me as ſoon as they came home; they were not at home.

Q. Then there had not elapſed, from the firſt arrival of Mrs. Cox at your houſe, till the ſurgeon and beadles came, above half an hour?—*A.* I really think it could not be more, or three quarters at moſt; but I had no clock, and was very much flurried.

Q. The firſt time you ſaw Mrs. Phipoe, ſhe was extremely bloody?—*A.* Yes, very bloody, and her finger bleeding.

Q. Did ſhe then complain?—*A.* Yes, ſhe ſaid, oh my finger.

Q. How far were you from the deceaſed, when you came in, after ſhe had got down?—*A.* The kitchen is juſt as you enter the houſe.

Q. And the priſoner was walking in the paſſage?—*A.* Yes.

Q. Nothing was paſſing between the deceaſed and her?—*A.* No, nothing.

Q. Did you aſk Mrs. Benſon any queſtion upon your coming in?—*A.* She went up ſtairs; I was flurried, and went into the kitchen.

Q. You and the other women were gone out for a ſurgeon?—*A.* I went out; they remained in the houſe.

Q. Was Mrs. Phipoe the firſt perſon you ſaw, when you came in?—*A.* Yes.

Q. Was the ſtreet door open or ſhut?—*A.* I cannot ſay, but I think Mrs. Macdonald opened the door to me.

Q. You heard a noiſe, that ſeemed to you like a ſcuffle?—*A.* Yes.

Q. And you heard no cry out at all?—*A.* No.

Q. Something that appeared to you like a ſcuffle, and a groan, but no cry out?—*A.* No, none at all.

Q. Do you know if Mrs. Cox had viſited Mrs. Benſon, or were you ever of the party, when they were together?—*A.* No, no farther than letting her in.

Q. What was the buſineſs Mrs. Cox purſued, as far as you know?—*A.* I do not know, but what I have heard ſince this has happened.

Q. How long has Mrs. Benſon lodged with you?—*A.* I think ſix months or thereabouts, but I did not ſet down the day of the month.

Q. During that time, what was her appearance in your houſe?—*A.* She was very well always.

Q. Did you ever obſerve any thing odd about her behaviour?—*A.* She and I had ſome words once, about ſome china plates; ſhe was very hard I thought upon me, as though I had broke them.

Q. But her diſpoſition in your houſe was that of a good natured woman?—*A.* I never ſaw any thing to the contrary, but thoſe few words.

Court. *Q.* Did ſhe appear to be of a paſſionate diſpoſition?—*A.* Rather paſſionate.

Q. Do you happen to recollect, during the ſix months ſhe lodged with you, that ſhe was a woman that had her underſtanding perfectly?—*A.* Yes.

Q. Did you ever obſerve any quarrel between the deceaſed and the priſoner?—*A.* I never heard any thing of that ſort.

MARGARET M'DONALD *ſworn.—Examined by Mr. Conſt.* *Q.* Do you know the priſoner at the bar?—*A.* Yes.

Q. Where do you live?—*A.* I live facing Mr. Munday's houſe, No. 1, Garden-ſtreet, St. George's in the Eaſt.

Q. Do you recollect, on the 25th of October laſt, Mrs. Munday's coming to you?—*A.* I do; I went immediately over with her; I aſked her what was the matter, I ſaw there was ſome trouble in her countenance; ſhe left me in the paſſage for ſome time, whilſt ſhe went to fetch Miſs Eyles, and a little before Mrs. Munday's return, the firſt thing I heard was, a heavy groaning, as if ſome perſon had been taken very poorly; the next thing I heard was Jeſus Chriſt—

Court. *Q.* The expreſſion of Jeſus Chriſt, did you know from what perſon that voice proceeded?—*A.* I think it muſt have been from the priſoner; becauſe the other perſon was not able to ſpeak; on their return, I was juſt running to the door, we went

went all three up ſtairs, I was hindmoſt, the two women went to the door of the priſoner; Mrs. Munday aſked Mrs. Benſon what was the matter with the woman, Mrs. Benſon made anſwer, and ſaid, nothing at all, that the woman had been in a fit, but was quite recovered; Mrs. Munday ſaid, ſhe would go for a doctor, to which the priſoner anſwered, you may; Mrs. Munday again inſiſted upon having the door opened, to ſee what was the matter; the door was then opened by the priſoner a little way, and the priſoner ſaid, you may come in, Mrs. Munday, no other perſon has any buſineſs here.

Croſs-examined by Mr. Fielding. Q. You ſay, when Mrs. Munday ſaid ſhe would go for a doctor, the anſwer of the priſoner was, you may?—*A.* Yes, as nearly as I can recollect.

Mr. Conſt. Q. She did open the door immediately?—*A.* Yes.

Mr. Fielding. Q. Did not I underſtand you, that the priſoner replied, Mrs. Munday, you may come in, but nobody elſe has any buſineſs here?—*A.* Yes.

Mr. Conſt. Q. Was the door opened wide enough for any body to go in?—*A.* No; the priſoner held the door with her hand; I was ſo ſituated I could ſee the priſoner.

Court. Q. You attempted to open the door?—*A.* I opened the door; the firſt thing that occurred to my view, was the priſoner in a very ſhocking condition, ſtanding before the door, holding up her finger with a white pocket handkerchief all over blood; I ſaid, Oh Lord! Mrs. Benſon, what have you been about; ſhe wanted me to come in, and made mention of ſomething about money; and then I ran down ſtairs calling out murder.

Court. Q. Did you perceive the deceaſed?—*A* I did, I looked at the deceaſed; ſhe was between the fire-place and the bed, the bed was pulled down upon the floor; ſhe had one hand under her head bleeding like an ox, and holding her apron with her other hand to the ſide the wound was; every thing was bloody in the room, and the woman eſpecially.

Court. Q. Was ſhe ſitting upon a chair or upon the ground?—*A.* Upon the ground; ſhe had an apron holding to the wound, and it looked ſo ghaſtly that I was frightened.

Court. Q. Could ſhe ſpeak at that time?—*A.* No; I ſaid to the priſoner, good God, has the Lord left you; what have you been about, Mrs. Benſon, that your paſſion has over-ruled reaſon.

Q. Did ſhe make you any reply?—*A.* She ſaid, my dear Mrs. M'Donald, look at my finger, ſee what ſhe has done; I immediately ran down ſtairs, and left them both in the room.

Q. Did ſhe ſay any thing further?—*A.* Not a word, till I went down ſtairs; before I got half along the paſſage, Mrs. Munday went out for ſomebody; I ran ſtraight to ſhut the door, as I was left in truſt of the houſe; the deceaſed followed me down ſtairs, and ſhe took hold of me by the two hands, ſhe was in a ſhocking condition; Mrs. Benſon came down, and I was between the two; the deceaſed made a noiſe like *t-t-t-t-t*, and wanted to go out of the houſe; Mrs. Benſon came beſide me, and ſaid, take this woman away; I got her into the paſſage, whether Mrs Benſon helped me or not I cannot tell, I got her into the kitchen; Mrs. Benſon ſaid, come away, Mrs. Cox; no, ſhe ſays, I will not come up ſtairs; and then I went home and waſhed my hands from the blood; that is all I know.

Court. Q. You aſſiſted the deceaſed in getting her into the kitchen?—*A.* I did, and nobody elſe.

Q. The priſoner followed her down ſtairs?—*A.* Yes.

Croſs-examined by Mr. Gurney. Q. You ſay, when you opened the door, and was going into the room, the priſoner deſired you to come in?—*A.* She did; and told me to look at her finger, and ſee what the woman had done to her.

Q. You aſked the priſoner to help you to aſſiſt her, in getting the deceaſed into the kitchen?—*A.* Yes; the Lord enabled me ſome how or other.

ELIZABETH EYLES *ſworn.—Examined by Mr. Matthews* Q. Where do you live, Mrs. Eyles?—*A.* In Princes-ſtreet.

Q. Do you know the priſoner at the bar?—*A.* I have ſeen her before.

Q. Did you ſee her on the 25th of October laſt?—*A.* I did.

Q. Relate to the Court what you ſaw on that day?—*A.* I knocked at the door; I ſaid, to Mrs. Munday, what is the matter; ſhe ſaid, I fancy they have had a few words, but every thing was now quiet; I ſaid, then why did you come for me; and I inſiſted upon going up ſtairs to know what was the matter; I followed Mrs. Munday up ſtairs, I heard the deceaſed making a great noiſe as loud as ſhe could.

Court. Q. What kind of noiſe was it?—*A.* It was not a groan; I apprehend ſhe might make a noiſe as if ſhe was in a fit; Mrs. Munday aſked Mrs. Benſon what was the matter; ſhe ſaid, there is nothing the matter; Mrs Cox has had a pain in her ſtomach, ſhe has been in a fit, but ſhe is recovering very faſt.

Mr. Matthews. Q. Was the door opened, or ſhut?—*A.* The door was ſhut; Mrs. Munday ſaid, I am ſure there is ſomething the matter, I had better fetch the doctor; the priſoner ſaid, there was nothing the matter at all; the priſoner then aſked Mrs. Munday if any body was with her;

Mrs.

Mrs. Munday ſaid, my couſin, meaning me; I ſaid, I am ſure the woman is dying, why don't you open the door; the priſoner ſaid, ſhe is not dying, ſhe is only in a fit; ſhe then partly opened the door, and I juſt ſaw a part of her face; Mrs. Munday again ſaid, why don't you let me go for a doctor; I did not hear the priſoner reply to that; Mrs. Munday ſaid, ſhe would go and fetch Mr. Pearce the ſurgeon, and Mr. Dunbar the beadle; and I followed her down ſtairs.

Court. Q. You ſaw the deceaſed in ſuch a condition you thought ſhe was dying?—*A.* I did not ſee her in the room, I thought, from the groans that ſhe made, ſhe was dying; I ſaw the deceaſed after ſhe came down ſtairs.

Q. In what ſtate did you find her?—*A.* Leaning upon her left elbow, in the kitchen, with her face upon her hand, with a large cut upon the ſide of her face, and in ſuch a ſtate that ſhe appeared to be all over wounds.

Croſs-examined by Mr. Fielding. Q. I think you told my Lord you did not ſee the deceaſed while ſhe was in the room?—*A.* I did not.

Q. When you went up ſtairs you thought you heard the noiſe of a perſon in a fit?—*A.* No; I heard the deceaſed make a noiſe as if ſhe was dying.

Q. You aſked what was the matter; was the noiſe like a perſon in a fit?—*A.* I don't know whether it was like a perſon in a fit, I apprehended ſhe was dying, as Mrs. Munday had ſaid ſhe had heard the faint noiſe of murder cried.

Q. When you went up ſtairs, you have told my Lord, you heard a noiſe as if a perſon had been in a fit?—*A.* I heard a noiſe, oh! oh! in this manner.

Q. You never got a ſight of the woman at all while ſhe was in the room?—*A.* I did not.

Q. You being with Mrs. M'Donald and Mrs. Munday, I am led to conclude, that they heard every thing that you did?—*A.* Yes.

Q. Did you, when Mrs. Munday ſaid ſhe would go for a doctor, hear Mrs. Benſon ſay, you may?—*A.* I don't recollect that; I heard her ſay, Mrs. Munday, you may come in; but Mrs. Munday ſaid, I will not come in without other perſons.

Court. Q. As I underſtand you, you did not ſee the perſon of the deceaſed till ſhe came down into the kitchen?—*A.* I did not.

Q. When ſhe came down, you had an opportunity of obſerving her while the ſurgeon was dreſſing her wounds?—*A.* Yes, I followed the ſurgeon in; I ſaw her leaning upon her left elbow, with her face upon her hand.

Q. Was ſhe capable of holding any converſation with you?—*A.* I heard her ſay, yes and no; there was a wound on the left ſide of her breaſt, and ſhe was all over blood.

ESTHER NEWFORD *ſworn.—Examined by Mr. Conſt.* Q. Where do you live?—*A.* At No. 19, Garden-ſtreet, next door to Mrs. Munday.

Q. Do you remember, on the 25th of October, any thing remarkable happening that took your attention?—*A.* Yes, I do; as I was ſcouring the room between eleven and twelve o'clock, in the forenoon, I heard a particular ſcreaming, but not murder; I went down ſtairs; I heard a knocking againſt the wall of the room where the murder was commited, and when I liſtened, I heard a terrible groaning, it was as if a perſon could not ſpeak loud; like as if they were ſmothering the groan.

HENRY GREY *ſworn.—Examined by Mr. Matthews.* Q. What are you?—*A.* I am beadle of St. George's pariſh: I recollect being applied to upon the 25th of October laſt.

Q. Where did you go to?—*A.* I went to Mrs. Munday's; when I went into the paſſage there were ſome women, but they were afraid to go up ſtairs, and we went up ſtairs and knocked at the door, and the door was opened; I ſaw the priſoner and the woman, the cut was ſo great you would have thought her head was nearly cut off; I did not expect, from her appearance, that ſhe would live.

Q. Who did you go with?—*A.* I went with my partner, Dunbar, the beadle; we thought it neceſſary to ſee who was the perpetrator of it; we went up ſtairs, and there was ſome reſiſtance made; Mrs. Munday ſaid, we muſt have a ſurgeon; I went out of the room immediately; doctor Pearce arrived, and dreſſed the wounds, and he aſked the deceaſed by what inſtrument this was done; and ſhe made him to underſtand, by ſigns, that it was done by a knife, or a dagger; I went with her to the hoſpital.

Court. Q. You did not expect ſhe would live?—*A.* I did not expect ſhe would live five minutes.

JOHN DUNBAR *ſworn.—Examined by Mr. Conſt.* Q. You are a beadle, belonging to St. George's pariſh?—*A.* Yes.

Q. You remember going with Grey, to the houſe of Munday, on the 25th of October laſt?—*A.* Yes; I was there from the time I went in till the deceaſed and the priſoner went away; I went into the kitchen, and ſaw a woman, whoſe name, they ſaid, was Mary Cox, ſitting in a chair, cut and mangled very much; ſhe held out her hand to ſhake me by the hand, ſhe pointed to her right hand pocket, wiſhing me to take ſomething out, conſequently I took out this, *(produces a watch in a caſe);* ſhe pointed with her hand to this pocket, *(a ſide pocket in the witneſs's coat)*; I underſtood by that, ſhe meant me to put this into my pocket; ſhe could not ſpeak, but ſhe ſaid, *oh! oh!* I have had it in my poſſeſſion ever ſince; I aſked her who had ſerved her in this manner, whether it was the woman

man up ſtairs, and ſhe ſaid, *oh! oh!* when I went up ſtairs, I opened the door, I believe the door was ſhut, and the firſt thing that preſented itſelf to me, was the priſoner at the bar, ſhe was ſitting upon the end of the bed, and I ſaid, God Almighty! what have you been about, what could induce you to ſerve this poor woman below in the manner you have done; ſays ſhe, I don't know, I believe the Devil and paſſion have bewitched me; I ſaw a caſe knife with a green handle lying upon the table, and part of a finger; I aſked her whether that was her finger, ſhe ſaid, yes, that the woman below, Mrs. Cox, had cut it off.

Court. Q. Did you examine her hand to ſee if it correſponded with the truth?—*A.* Yes, I did; ſhe held her hand up, and I ſaw the firſt finger of her left hand had been cut off. The priſoner ſaid, that there was ſome money lying about the room, and I looked for it, and I found, I think, three or four guineas, and there were two notes, a one-pound-note and a two-pound-note, which I found lying upon a trunk. *(Produces the notes).*

Mr. Conſt. Q. Were they ſtained in that way when you found them?—*A.* Yes.

Court. Q. Did the priſoner at the bar ſay any thing to you reſpecting the property ſhe had in the room, did ſhe deſire you to collect it?—*A.* Yes, ſhe did; I found the four guineas and two notes.

Court. Q. There was a guinea found in addition to the four guineas you ſpeak of?—*A.* When I found the four guineas, the priſoner at the bar ſeemed to ſay that it was not all that belonged to her, and ſhe deſired me to put my hand into her left hand pocket, and there I found two guineas, half-a-crown, and the amount of ſixpence halfpenny in halfpence.

Court. Q. When you were in converſation with the priſoner in the room up ſtairs, did ſhe appear to you to have her underſtanding?—*A.* Perfectly, my Lord; I ſaw no appearance of inſanity.

Q. Did the priſoner make any excuſe for her conduct and behaviour towards this poor woman, or did you perceive any diſorder upon her ariſing from inſanity?—*A.* Nothing at all of that.

Mr. Matthews. Q. You don't know whether any thing elſe happened in Mrs. Munday's houſe?—*A.* There was one thing I ſhould have mentioned; when I came down ſtairs, I aſked the deceaſed, below, whether ſhe had cut the priſoner's finger off, and ſhe ſaid, *oh! oh!* which I underſtood to be, no.

Q. When you came to the hoſpital, were you preſent when the priſoner was ſearched?—*A.* I was not; there was an obſervation I ſhould have made of ſearching the priſoner before ſhe went; there were ſome ladies in the room, and they ſaid they would ſearch the woman, but I don't know if that was done; the priſoner ſaid, I am ready to be ſearched, if you will, I have got no knife about me.

Croſs-examined by Mr. Fielding. Q. Do you happen to know, of your own knowledge, that there were women in the kitchen?—*A.* I believe there was a woman or ſo, for they intimated ſomething that the woman would go away.

SOLOMON JEWELL *ſworn.—Examined by Mr. Matthews.* Q. What are you?—*A.* I am beadle to the London-hoſpital: I remember the deceaſed being brought to the London-hoſpital, on the 25th of October laſt; ſhe was cut in a very ſhocking manner, ſhe had got a wound upon the ſide of her neck, and ſeveral more upon the breaſt.

Q. Did you ſee the priſoner?—*A.* I did; ſhe was ſearched; I was deſired to withdraw; ſhe was ſearched by my wife.

SUSANNAH JEWELL *ſworn.—Examined by Mr. Conſt.* Q. You have ſome employment in the London-hoſpital?—*A.* I am a nurſe in Mary's ward.

Q. Do you remember the priſoner being brought there?—*A.* Yes.

Q. Did you ſearch her when ſhe came there?—*A.* I did; I found a knife in her boſom, I carried it and delivered it to my huſband.

Q. How was it concealed in her boſom?—*A.* It was concealed in her boſom next to her body.

Q. *(To Solomon Jewell).* Q. Your wife ſays ſhe delivered a knife to you, produce it?—*A.* Yes. *(Produces the knife).*

Q. *(To Mrs. Jewell).* Was the knife ſtained as it is now, when you took it from her?—*A.* It was more ſtained then, the blade as well as the handle was all over blood and dirt, it was much more ſtained than they are now, from the length of time that has elapſed.

Q. *(To Solomon Jewell).* This is the knife your wife gave to you?—*A.* Yes.

Mr. Fielding. Q. Did ſhe make any reſiſtance when you attempted to ſearch her?—*A.* She was very unwilling to let me ſearch her.

WARREN PEARCE *ſworn.—Examined by Mr. Conſt.* Q. What are you?—*A.* I am a ſurgeon; I was called in to the deceaſed; I ſaw her ſitting in the chair with her hand up to her head, mangled in a moſt terrible manner; there was a cut acroſs the throat, and four or five ſtabs or inciſions, and ſeveral wounds on her hands and body.

Q. Were they near her breaſt?—*A.* The upper part of her breaſt.

Court. Q. Were there any wounds that were likely to endanger her life?—*A.* I conſidered the wounds mortal; I conceived that the woman would die in conſequence of the injury ſhe had received.

Q. By what inſtrument did you conceive thoſe wounds to be made?—*A.* They appeared to have been made by a ſharp cutting inſtrument.

Q. Could the deceaſed ſpeak?—*A.* She could not

not ſpeak intelligible, but ſhe was very eager to make ſigns; I offered her a pen and ink, but ſhe was not able to write; ſhe made a kind of uttering, but not to be underſtood, and then ſhut her mouth and threw off a quantity of air from the wind-pipe.

Q. Did you afterwards ſee the priſoner?—*A.* I did; I examined her hands, ſhe had cut off one of her fingers; at leaſt, one of her fingers was lying upon the floor.

Q. Did you collect from the appearance of it, how it could have happened, whether it could have happened by fighting?—*A.* I conceived it could not, the bone was cut quite acroſs; I told them I could not conceive it could be cut off by fighting; it was cut ſtrait acroſs, exactly in the kind of way as if you would lay it down upon a block. I ſent them to the hoſpital.

Croſs-examined by Mr. Fielding. *Q.* In fact, you ſaw the priſoner had loſt a finger?—*A.* Yes.

Q. And, of courſe, there was a quantity of blood proceeded from the wounds?—*A.* There was a quantity of blood.

Q. And you obſerved, likewiſe, upon the hands of the deceaſed there were wounds?—*A.* I ſaw three or four; the principal wound was here, *(pointing to the back of his hand)*; which ſeemed to be inflicted with great violence; and if it had been all fleſh, I ſhould have conceived the hand muſt have been cut off.

Q. Where did you firſt ſee the deceaſed?—*A.* I ſaw the woman, the firſt time, below ſtairs; at that time there was not a table ſpoonful of blood, ſhe was without pulſe, ſhe had none whatever.

Q. How long did you continue with her before you left her?—*A.* I ſent her away to the hoſpital; ſhe left the houſe prior to my going away; it muſt have been about half an hour.

Q. Was not the difficulty of her conveying articulation more difficult the ſecond minute than the firſt?—*A.* I was ſurpriſed to find a woman, who had loſt ſo much blood, capable of holding up her hand.

Q. According to the appearance of the wound, the difficulty of conveying an articulate ſound, would of courſe have been leſs a quarter of an hour after the deceaſed received this wound?—*A.* It might have been ſo.

Q. I take it for granted, from the deſcription you have given of the wound, you could not conceive that a perſon would be able to expreſs herſelf?—*A.* There is an operation which we frequently perform, by which to diſlodge any thing that may have collected in the throat.

Q. But did you hear this woman ſpeak any thing?—*A.* I think the ſound neareſt reſembling a word, was, look! look! ſhe took a great deal of pains to convince me what inſtrument it was this woman had uſed to inflict theſe wounds, and ſome of the perſons about her aſked her whether it was done by a knife; I immediately deſired a ſervant to get ſome knives, and three or four were brought down, theſe were produced to the woman, and I underſtood from her, that theſe were not the knives; by the noiſe, ſhe uttered as if the priſoner took it from her pocket and opened it.

Q. Then I am to underſtand you, that ſhe herſelf was capable of anſwering in that kind of way?—*A.* Yes.

THOMAS BLIZZARD *ſworn.—Examined by Mr. Matthews.* I am a ſurgeon belonging to the London Hoſpital.

Q. Do you remember Mary Cox being brought in as a patient?—*A.* I ſaw her wounds.

Q. Can you take upon you to ſay, that thoſe wounds, in your opinion, were the cauſe of her death?—*A.* Yes; I ſaw two or three wounds, either of which, according to my ideas, would have been the cauſe of her death.

Q. Did you likewiſe examine the priſoner?—*A.* I did.

Q. Can you, from your obſervation of her finger, and the nature of the wound, ſay, whether it was done in a ſcuffle, or any other way?—*A.* I cannot take upon myſelf to ſay.

The Rev. Mr. REYNETT *ſworn.—Examined by Mr. Conſt.* *Q.* I believe you are a Magiſtrate in this county?—*A.* I am.

Q. You ſaw the deceaſed, Mary Cox, the night before her death?—*A.* Yes.

Court. *Q.* Do you apprehend that ſhe was convinced, in her own mind, ſhe could not live?—*A.* It appeared ſo to me. *(The depoſition of Mary Cox, dated the 26th day of October, 1797, was produced, ſigned,* James Reynett.)

Mr. Fielding. *Q.* This was taken from her own mouth?—*A.* From her own mouth.

Q. Not from queſtions propoſed?—*A.* No; it was read over to her, and the priſoner was preſent at the ſame time.

(Mary Cox being ſworn)—Says, I live in New-gravel-lane, in the pariſh of St. Paul's, Shadwell; the priſoner, Mrs. Benſon, ſent for me to her houſe, that I continued with her untill night; yeſterday, about one o'clock, I went to the priſoner's houſe in Garden-ſtreet, I gave her about eleven pounds for a gold watch, trinkets, and other things, which I had purchaſed from her; there was ſome china upon the mantle-piece, there were three coffee-cups; I ſaid to the priſoner, give me one of thoſe cups; the priſoner ſaid, take one, and while I was taking one of theſe cups, ſhe came to me with a knife, and ſtabbed me in the throat, and I was under her hands for an hour; ſhe had locked the door, I called out, murder, nobody came to my aſſiſtance;

aſſiſtance; the neighbours broke open the door, the priſoner ſaid, I was in fits; I never had any quarrel with her; that I paid her ſix guineas and a half, a two pound note, and a one pound note; that Mr. Dunbar, the beadle, has the watch, he put it into his pocket; I don't know how the priſoner came by the watch; I have known her about three months; when I was upon the bed, ſhe ſaid, you bitch, I will kill you out, that you ſhall not be able to tell your own ſtory.

Priſoner's defence. On Wedneſday morning, about eleven o'clock, the deceaſed called upon me, and found me on the bed, ſhe came up ſtairs to my apartments; I went down ſtairs to Mrs. Munday, when I returned, I gave her a guinea, and deſired her to get me ſome brandy; ſhe then ſhewed me a white dreſs, which ſhe wiſhed me to purchaſe; I gave her a guinea for the dreſs, and ſhe returned me half-a-crown; ſhe aſked me if I would ſell her ſome articles I had to diſpoſe of; I ſaid, if ſhe would take the whole, ſhe ſhould have them, that a ſmall ſum was not an object, I wanted to make up my rent; afterwards, ſhe aſked me about my watch, and ear-rings, and I ſaid, if you will not take the whole, it is not an object to me, I ſhall not give you the ear-rings nor the watch; upon that the deceaſed ſaid, I ſuppoſe you want to go to London to be Mr. Courtoy's whore again—you lie, ſays I; to which ſhe ſays, it is truth, for it was proved at the Old-Bailey, and ſhe ſaid, why did you not go into Devonſhire to a convent, upon which violent words enſued; I was ſtanding cloſe to the table, there was a knife upon the table and ſhe took up a green handled knife, and cut my finger off; I did not know (ſuch was the quickneſs of the tranſaction,) what had happened, till I picked my finger off the ground; with this, I ſnatched ſomething from the table; a little while after, I found myſelf alone in the room, covered with blood, and on the table I perceived my finger; I had ſome kind of a recollection, and I went down ſtairs, there was the deceaſed ſitting on a chair; Mrs. Cox, ſays I, what made you cut off my finger? my dear, ſays ſhe, it is what pleaſed God, and I hope God will forgive me; I looked at her, I ſaw her bloody, I was conſcious it was her that had mangled me in this manner; then ſomebody about me put ſome queſttions to me; then there was a cry out, that I wanted to make my eſcape; I went up to my room, it was all confuſion; they told me, I had murdered the woman; I recollect ſomebody aſked me for notes, but I cannot give an accurate account about it; ſome woman ſearched me, and changed my bloody clothes; when I found myſelf in this ſituation in the room, the people dreſſed me, and took me to the hoſpital, and a little time afterwards, they put a ſtrait waiſtcoat on me; I enquired repeatedly how the deceaſed was, and they told me ſhe was quite out of danger, and that ſhe ſaid, if ſhe recovered, ſhe would take care that nobody ſhould hurt me; at four o'clock I was told, there was a gentleman coming to me, a clergyman, and that the commitment was going to be made out, and I was taken up; I was told ſhe was quite out of danger.

For the Priſoner.

ANN RICE *ſworn.—Examined by Mr. Gurney.* I live in Shakeſpeare's-walk, Shadwell.

Q. Do you know Mrs. Phipoe?—*A.* Yes; I have known her about four years.

Q. Have you ever heard her make any mention of Mrs. Benſon?—*A.* Yes; ſhe brought her to my houſe to take an apartment with me, as a woman of property, who wiſhed to live in a very genteel way, but to live retired; ſhe told me I ſhould ſee her.

Q. Did you ever hear her ſentiments of her?—*A.* Yes; that ſhe was a humane, good kind of a woman, and as loving as if ſhe was her own ſiſter; and I never was more ſurpriſed in my life than when I heard of this.

MARY M'DONALD.—*Q.* How old are you?—*A.* I ſhall be fourteen the 29th of May.

Q. Do you know what a ſolemn thing it is to call God to witneſs to what you ſay?—*A.* Yes.

Q. And you come here determined to ſpeak the truth, and nothing but the truth?—*A.* Yes. *(She is ſworn).*

Q. Now you won't tell me a word but what is truth, before God?—*A.* No.

Q. You are the daughter of Mrs. M'Donald, who has been examined as a witneſs?—*A.* Yes.

Q. Did you happen to go to Mrs. Munday's houſe upon this unfortunate occaſion?—*A.* Yes.

Q. When was it you firſt got into the houſe?—*A.* I got in juſt as Mrs. Cox was brought down.

Q. Did you know that your mother was gone to Mrs. Munday's?—*A.* No, I did not.

Q. How came you to go to Mrs. Munday's at all?—*A.* Becauſe I heard ſomebody ſay there was murder done there.

Q. When you came to the door of Mrs. Munday's houſe, was the door open or ſhut?—*A.* It was ſhut.

Q. Was any body with you at that time?—*A.* No.

Q. How did you get into the houſe?—*A.* I knocked at the door.

Q. Who let you in?—*A.* I am ſure I cannot tell.

Q. When you got into the paſſage, recollect, as diſtinctly as you can, what was the firſt thing you obſerved in the houſe?—*A.* The firſt thing was,

was, that I ſaw Mrs. Benſon in the paſſage, with her finger off.

Q. What was ſhe ſaying, or in what manner was ſhe moving about?—*A.* She was ſtanding at the back door, and ſhe told me to look at her finger, for it was very bad.

Q. What next did you obſerve after that?—*A.* I went into the kitchen, and ſaw Mrs. Cox ſitting at the table.

Q. Who was in the kitchen, as well as you can recollect, beſides yourſelf, when you ſaw Mrs. Cox?—*A.* There was nobody there.

Q. Did Mrs. Benſon come from out of the paſſage to the kitchen, where Mrs. Cox was?—*A.* She came down ſtairs and went into the kitchen where I was with Mrs. Cox, and Mrs. Cox laid hold of my bed-gown, and would not let me go out of the room.

Q. Did you ſpeak to Mrs. Cox, or Mrs. Cox to you?—*A.* She told me to ſtay by her and get a drop of water for her.

Q. Did ſhe ſpeak out in words that you underſtood her?—*A.* No; ſhe ſpoke as well as ſhe poſſibly could, and told me to get her a drink of water.

Q. How did you underſtand her?—*A.* Mrs. Benſon told me ſo, I did not underſtand what ſhe ſaid.

Q. Did you ſee Mrs. Benſon go into the kitchen to ſee Mrs. Cox?—*A.* Yes.

Q. Did you hear Mrs. Benſon ſay any thing to Mrs. Cox?—*A.* She came down in the paſſage and told me to look at her finger, and ſhe went up ſtairs and brought her finger down to me; ſhe went to Mrs. Cox, and, with her finger in her hand, ſaid to Mrs. Cox, look, you wicked woman, what you have done to me; ſays ſhe, Mrs. Cox, God Almighty forgive you, for I do with all my heart, we have both been in the wrong.

Court. *Q.* Was there no other perſon in the room but you and the two parties?—*A.* No.

Mr. Fielding. *Q.* Did Mrs. Cox make any anſwer to that?—*A.* No; ſhe nodded her head, and put her hand to her breaſt, and did not ſay a word.

Q. She could not then make herſelf underſtood?—No.

Q. But you are certain that this addreſs paſſed from Mrs. Benſon to her?—*A.* Yes; I am ſure of it.

Q. How long were you left with Mrs. Cox and Mrs. Benſon, after other people came in?—*A.* Not three minutes.

Court. *Q.* What became of Mrs. Benſon afterwards?—*A.* She wanted me to go up ſtairs with her, and ſhe would tell me how it began, and I was going up with her when the gentlemen came in.

Croſs-examined by Mr. Conſt. *Q.* You are the daughter of Mrs. Macdonald, who was examined as a witneſs?—*A.* Yes.

Q. When you went over, it was after your mother had come back?—*A.* Yes.

Q. Mrs. Benſon, the priſoner, wanted you to go up with her to tell you how it began?—*A.* Yes.

Q. Did Mrs. Benſon ſay any thing to you about her finger?—*A.* No; ſhe only told me to look at her finger, for it was very bad indeed.

Q. And whether Mrs. Cox underſtood what paſſed you do not know?—*A.* No.

Q. You went in and found Mrs. Cox alone in the kitchen?—*A.* Yes.

Q. Mrs. Benſon afterwards came in, and as ſoon as ſhe came in, Mrs. Cox caught hold of you and would not let you go?—*A.* No; ſhe would not.

Q. Then Mrs. Benſon wanted to ſend you for ſome water, and Mrs. Cox would not let you go?—*A.* Yes.

MARY REMINGTON *ſworn.—Examined by Mr. Gurney.* I live near New Gravel-lane.

Q. Did you know the deceaſed, Mrs. Cox?—*A.* She lodged with me.

Q. Have you ever heard her ſay any thing about Mrs. Benſon?—*A.* She always ſpoke of her with the greateſt reſpect.

Q. Did you ever hear her ſpeak of what Mrs. Benſon's diſpoſition towards her was?—*A.* I have always heard her ſay, that Mrs. Benſon reſpected her as well as any woman in this world.

Q. You yourſelf had no acquaintance with Mrs. Benſon?—*A.* Only ſeeing her come backwards and forwards to ſee Mrs. Cox.

Q. What was Mrs. Cox's temper?—*A.* A very haſty paſſionate temper at times.

Q. Do you know of any converſation that paſſed between them about a watch?—*A.* On the Tueſday evening Mrs. Cox came home about half paſt ten at night; ſhe brought from Mrs. Benſon's, as ſhe told me, three table cloths, a dozen pillow caſes, and two ſheets; ſhe ſaid to me, you have heard me make mention of Mrs. Benſon's watch; yes, ſays I, Mrs. Cox, I have; ſays ſhe, Mrs. Benſon talks of parting with it; it is not right for her to part with it, is it Mrs. Remington? ſays ſhe, I have had ſeveral watches at different times, and they have laid rather upon my hands, and I will have nothing to do with it, and ſhe meant to go to Mrs. Benſon the next morning to look at ſome more ſheeting and ſome table linen, which ſhe did on the Wedneſday morning.

Mr. Fielding. *Q.* At all times ſhe expreſſed the greateſt reſpect for Mrs. Benſon?—*A.* Yes; at all times wherever ſhe went.

(The Jury having retired about twelve minutes, returned with a verdict of

GUILTY **Death.**

Tried by the firſt Middleſex Jury, before Mr. Baron PERRYN.

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9. JOHN STUBBS was indicted for the wilful murder of George Ware, October the 3d.

(The

(The Caſe was opened by Mr. Jackſon.)

CATHERINE SMALLMAN *ſworn.*—I keep the houſe in which the deceaſed lodged, at No. 8, Eaton-ſtreet, Swallow-ſtreet, in the back garret; he was a ſmith by trade, his wife lived with him. Stubbs lived in the lower part of the ſame houſe; he had left the houſe a few days before the accident happened, which was on the 3d of October.

Q. What occaſioned him to leave your houſe at that time?—*A.* A little diſpute that aroſe between him and me.

Q. Did any blows paſs?—*A.* Not much of that, he was in liquor.

Q. Did he beat you?—*A.* He ſtruck me once, there was a blow or ſo paſſed.

Q. What did he beat you with?—*A.* With a bit of iron that he preſſes his wigs with.

Q. What ſort of an iron was it?—*A.* It was fixed in a wooden handle.

Q. What became of that piece of iron?—*A.* I do not know; it laid in the window of the room that I live in for a day or two, and then he took it away to do his work with.

Q. Do you know when?—*A.* No, I do not.

Q. I believe, on the night of this quarrel, he left your houſe?—*A.* Yes; I do not know whether it was the Friday before the 3d of October, or the Friday week, I cannot ſay which.

Q. When did you ſee him again?—*A.* On the Friday morning after, he called for a ſhirt.

Q. Did he come on the 3d of October?—*A.* Yes; I was in the fore parlour with the deceaſed, George Ware.

Q. What was he about?—*A.* Only ſitting in the chair; I was buſy at work; Stubbs came in and ſaid, he was come to his lodging, and I told him he muſt not come there any more; he ſaid, he would; I told him he ſhould not; he ſaid, he ſhould, for where his work was, he would be; he ſaid he had left a black handkerchief; I told him I did not know any thing of it, if he had left it, to go and look for it; he went to look for his handkerchief; ſays he, I thought I had not left it here, or elſe I ſhould have found it, but I muſt have loſt it. He uſed to make his wigs in the back room; when he came out of the back room, the deceaſed was ſitting in my room, and he was rather angry with my denying him his lodging, and ſaid, rogues and thieves could ſit there, although he could not ſit there; then he went round to the back of the ſeat, where he was ſitting, and I was ſtanding juſt by doing my work, and he went out; I was watching to ſee if he would go out at the door, and I ſaw his hand go gently, not knowing he was going to hit him; he gave him a blow, with his hand only indeed; his hand was open when I ſaw it.

Q. When he ſtruck him, was his hand open or ſhut then?—*A.* That I cannot ſay; I ſuppoſe it muſt be ſhut.

Q. The right hand or the left?—*A.* The right hand.

Q. Where was it that he ſtruck him?—*A.* Near the middle of his forehead.

Q. At that time, had Ware interfered at all in the diſpute between you and Stubbs?—*A.* Not that I heard, I do not think he ſaid much; if there was any words paſſed, it is more than I know.

Q. What became of Stubbs then?—*A.* He directly went out of my apartment; I went to the ſtreet-door myſelf to look after him, and when I returned into the room, George Ware was ſtanding up; I obſerved his forehead to bleed in that part where Stubbs's hand had been, and I ſaid to him, Lord bleſs me, does it bleed; he ſaid, yes; and I told him I would get a little flower, and ſtop it if I could; he ſaid, do not mind it, let it bleed, he would not have any thing; in the courſe of a little time it ſtopped of itſelf.

Q. What kind of a wound did it appear to you to be?—*A.* It was a very ſmall wound, to look at it it was nothing, it was like a ſcratch of a pin more than any thing elſe; nobody could have thought it would have ended in the manner that it has.

Q. The ſkin was broke?—*A.* Yes.

Q. When had you ſeen, before this time, that piece of iron laſt?—*A.* Indeed I cannot particularly ſay, it might be a day or two, or three days.

Q. Where had you ſeen it then?—*A.* It laid in the window till he took it away.

Q. When did you examine the wound?—*A.* The next morning; I adviſed him to get a little warm milk and water, and bathe it with; it then looked like a deepiſh ſcratch, and bloody.

Q. Did it appear then in a mild, or an angry ſtate?—*A.* It looked reddiſh; I put a plaiſter upon it.

Q. When did you ſee it, or dreſs it again?—*A.* I do not know whether it was the next day or the day after; when I ſaw it again, I thought it did not heal well, and I dreſt it once after that.

Q. How long did he live after that?—*A.* Four weeks, and I believe he died the third day; four weeks and three days.

Q. Stubbs came to live with you as uſual?—*A.* Yes; I think it was a week after the 3d of October.

Croſs-examined by Mr. Knowlys. Q. Nobody looked upon this as any thing at all?—*A.* No.

Q. The poor man, who died, thought nothing of it?—*A.* No, he did not.

Q. Some few days after he received the blow, this man, Stubbs, came back to his apartments, and you and he were reconciled?—*A.* Yes.

Q. Before

Q. Before the poor man died, they were as good friends as ever?—*A.* Yes; Stubbs ſent for him into my room to make it up with him.

Q. Did not Stubbs adviſe him to go to the doctor's?—*A.* Yes; he ſaid, I won't make it up unleſs you will make it up with my wife too; he ſaid, he had not the leaſt objection to that.

Q. After that, they were all as good friends as uſual?—*A.* Yes.

Q. As your plaiſter did not quite cure this, did not Stubbs adviſe him to go and have ſome little advice?—*A.* Yes; and about a fortnight after, George Ware came down, and he and Stubbs had two or three pots of beer together; and Stubbs ſaid to him, as your forehead does not ſeem to get better, you had better go to ſurgeon Potts, in Pall-Mall, and I will go with you; Ware ſaid, it did not ſignify, and therefore he did not go.

Mr. Jackſon. Q. At the time he ſtruck the blow, do you know whether he uſed any words, or what he ſaid?—*A.* No; there were no words at all that I heard.

Q. Can you tell me whether or not, from that 3d of October, the deceaſed frequently complained of his head?—*A.* He did not make any complaints till he got worſe and worſe.

Q. Did he or not frequently complain of his head?—*A.* When I have aſked him about his forehead, he ſaid it did not mend, and it was very ſore, he could not bear his hat on it.

Q. Did he complain of his head frequently?—*A.* He uſed to ſay his head was very ſore.

Q. Did he complain of any pain in it?—*A.* Yes, certainly; I dare ſay he had a pain in his head.

Court. Q. I tell you the reaſon why I aſk you, I want to know whether the Magiſtrate has put that in your examination as true, which was falſe; I have it down here, that you ſaid, he frequently complained of a pain in his head?—*A.* Yes, he did, no doubt.

Q. Did the ſoreneſs increaſe?—*A.* I believe it did.

Q. Was he afterwards ſo ill, as not to be able to leave his room?—*A.* I do not know that he was confined to his room, becauſe I was not always with him.

Q. Do you remember a perſon coming to him to do ſomething to his head?—*A.* No; there was nobody came to him.

Q. Do not you remember a ſurgeon coming?—*A.* Yes; that was on the Tueſday night, that he died of the Friday morning.

Q. Do not you remember, before the ſurgeon came, he was ſo ill, that he could not leave his room?—*A.* Yes; he grew ſo very bad.

Q. It was in conſequence of that, that the ſurgeon was ſent for?—*A.* Yes.

Q. Who was the ſurgeon?—*A.* I do not know.

Q. Was it Mr. Thomas?—*A.* Yes; that was his name.

ELIZABETH WARE *ſworn.—Examined by Mr. Jackſon.* On the 3d of October in the evening, I was waſhing for Mrs. Smallman, down ſtairs in the back kitchen; my huſband and I, and Mrs. Smallman had ſupped together in her parlour, and I left him in the room; I went into the room where he was, between eight and nine o'clock, my huſband had cooked ſome fiſh for ſupper in my room, and brought it down there; I was in the back kitchen, waſhing, I heard the voice of Mr. Stubbs, but what he ſaid, I do not know, he ſeemed as if he was not very well pleaſed; I went up ſtairs; in about a quarter of an hour after that, I ſaw my huſband ſitting in the great chair with his arms on his knees, and his head held down and bleeding; I ſaid, what is the matter, Mrs. Smallman anſwered, Stubbs has ſtruck your huſband when he never ſpoke to him; I then ſaid, by God, he has murdered my huſband; Stubbs was then gone out, he ſeemed to have bled a great deal, by the floor, it ſeemed to be trod about; my huſband got up to go out, but Mrs. Smallman would not let him; my huſband went to bed, and I went down to my work, and it was two o'clock before I had done my work, and then I went up ſtairs to bed.

Q. Did Mrs. Smallman examine or dreſs this wound?—*A.* I did not ſee her.

Q. When did you firſt ſee the wound?—*A.* In the morning, before I got out of bed.

Q. Deſcribe its appearance?—*A.* It ſeemed like two cuts, with a dent in the middle.

Q. Did he ſay to you what he was ſtruck with?—*A.* No.

Q. How long did he continue to go out as uſual, after that?—*A.* He continued to go out for almoſt three weeks, but ſometimes, may-be, he would lay a-bed a couple of days, or a day, he complained terribly of his head; the firſt time he entirely took to his room, was, the day three weeks that the accident happened at night, it was on the Tueſday night, he never came down any more, but once; him and Mr. Stubbs had drank two pots of beer together that day, he had dined there that day, and had eat a bit of mutton.

Q. You lived in Mr. Smallman's houſe, did not you?—*A.* Yes.

Q. In what ſtate did he appear when he took to his bed?—*A.* The next morning he ſeemed very poorly indeed, and every day he ſeemed rather to get worſe.

Q. When did you firſt ſend for a doctor?—*A.* On the Tueſday following, that was that day four weeks that the accident happened, at four o'clock in the morning, he got out of bed, and the uſe of his

his right ſide was taken away; he retained his ſenſes to the laſt word he ſpoke. I ſent for Mr. Ruſſell firſt, and he would not come; then Mr. Perrin came on the Tueſday evening, he is an apothecary, he took off the plaiſter, and ſaid he would go and fetch another gentleman, which he did; and Mr. Thomas came.

Q. I believe, in ſhort, the ſurgeons trepanned him?—*A.* Yes.

Q. After that operation had been performed, what ſtate was he in?—*A.* He ſeemed to reſt a great deal better that night.

Q. When did any alteration take place after that night?—*A.* The next day he ſeemed to get worſe, and I went for a clergyman, that was on the Wedneſday, I locked my door, and left the key with Mrs Blythe, and begged her to look at my huſband while I was out, to ſee if he wanted any thing.

Q. At that time did he ſeem ſenſible of the danger of his own ſituation?—*A.* He ſeemed to take very little notice of his ſituation; I told him, I thought he was dying, and he ſaid, then I muſt die.

Q. Did he know that you were going for a clergyman?—*A.* No.

Q. Did he uſe any other expreſſion, ſtating whether he thought himſelf in danger or not?—*A* No. I could not get a clergyman, they were both gone out; this was on the Wedneſday, and on the Friday, he died, about half paſt one in the morning.

Court. Q. You ſaw the wound the next morning, and it ſeemed like two ſcratches and a dent in the middle—were thoſe two ſcratches oppoſite to each other?—*A.* Yes; it was wider at the top than it was at the bottom.

CATHERINE BLYTHE *ſworn.—Examined by Mr. Jackſon.* I lodge in the ſame houſe; my huſband is ſervant to Lord Aſhbourn; I was preſent juſt after the quarrel between Mrs. Smallman and Stubbs; ſhe cried out, murder! and when I came down, he was gone.

Q. Did you ſee him on the night the accident happened?—*A.* No; he ſaid he was very ſorry for the accident, and turned into my room; he pulled the plaiſter off himſelf; I ſaw it was a very bad wound in his forehead, and his face was grazed with the handle of the iron that he had ſtruck him with; it appeared to me as if it had been ſtruck with ſomething ſharp; it appeared to me like a dent in the middle and a ſcratch two ways; I thought it muſt be ſtruck with an inſtrument, as it appeared to me from the wound.

Court. Q. You are clear it could not be a wound given with the open hand, or with a clenched fiſt?—*A.* No; it could not.

Q. I believe you went for the doctor?—*A.* Yes; three weeks after the blow was given, the Tueſday before he died.

Q. During the operation by the ſurgeons, had you any converſation with the priſoner?—*A.* Yes; on the Tueſday I went down and tapped at the window where Stubbs was at work, and I aſked him how he could ſtrike Ware ſuch a blow, for the ſurgeon ſays it will be his death; he ſaid he was frightened, and he was never frightened at any thing but this; he ſaid, he was ſo ſavage to ſee him ſitting in the chair, that he had not cared if he had killed him outright; but, ſays he, I could not be in my right ſenſes, for juſt before I came into the houſe, I had a fit in the ſtreet; and I ſaid, if any thing happens of this, you may bring the man that picked you up; and there was no more paſſed.

Q. Do you recollect when Mrs. Ware went for the clergyman?—*A.* Yes; while ſhe was gone, I went up into the room of the deceaſed, and aſked him if he wanted any thing; he told me he would be glad if I would bring him a cup of tea; I immediately returned into my own room, and got it; I carried it up, and put my hand under his head, and he drank it.

Q. Did he ſeem at all aware of the opinion of the ſurgeons; did he ſeem to think himſelf in danger?—*A.* I will tell you what paſſed.

Court. Q. Did he ſeem to think that he was in his laſt moments?—*A.* Yes; it appeared ſo to me when he had drank the tea; I aſked him if he wanted any thing to eat; he ſaid, no, I thank you; but if you will bring me a bit of bread and butter, an onion, and ſome ſalt, for my ſupper, and ſome of Flowers's ſmall-beer, I ſhall be obliged to you; for, ſays he, what a perſon fancies when they are ill, does them more good than doctor's ſtuff; ſays he, my father fancied toaſt and cyder, they would not let him have it, and he got out of bed, and drank it, and mended ever after; I told him, I am ſorry to ſee you ſuffer ſo on ſuch an occaſion; ah! ſays he, and never ſpoke to the man when he ſtruck me; I ſaid, the gentlemen are for taking Stubbs up, are you willing for it; the deceaſed ſaid, the pariſh will ſee to that, for he has murdered me with the ſame iron that he beat Mrs. Smallman with, the Friday night before; when he ſtruck me, he ſaid, you b——r, I have done for you; that was all that paſſed; then I was obliged to go to my children; I never ſpoke to him afterwards.

Croſs-examined by Mr. Knowlys. Q. Stubbs was in the houſe at that time?—*A.* Yes.

Q. Had you ſeen Stubbs and the deceaſed dining and drinking together?—*A.* No; I never went into their apartments.

ROBERT BENJAMIN PERRIN *ſworn.—Examined by Mr. Jackſon.* I am an apothecary: I was called in to the deceaſed, on Tueſday the 31ſt of October, by Mrs. Blythe; I went to him, and I judged, from the ſymptoms, that there was a fracture; I only took

took off the plaiſter, the wound was upon the right ſide of the forehead, and it was nearly healed, the ſcalp did not adhere to the ſkull, and the oppoſite ſide to where the wound was, was quite uſeleſs; he complained of a violent pain in his head, his wife firſt informed me ſo, I aſked him, and he put his hand up to his head; from this ſymptom, and the appearance, I judged it was a fracture, and called in Mr. Thomas, a ſurgeon, he came with me immediately.

Court. Q. You know ſomething of ſurgery yourſelf?—*A.* Yes.

Court. Q. Did you obſerve whether it was done by an inſtrument?—*A.* It was impoſſible I could judge from the appearance at that moment, there was ſuch a quantity of ſnuff about it that it was impoſſible; Mr. Thomas came, and judged as I did, that there was a fracture, and he performed the operation of trepanning; I attended the trepanning.

Q. Upon ſeeing him trepanned, you could form ſome judgment probably by what that wound was occaſioned?—*A.* Moſt undoubtedly, by ſome piece of iron, or ſome inſtrument; it is impoſſible I can ſay what.

Court. Q. It was not ſuch a wound as could be given by a flat hand or a fiſt?—*A.* No; it is impoſſible.

Mr. Jackſon. Q. What was your obſervation after the operation was performed?—*A.* I ſuppoſed the man would die from the appearance of it.

Q. Did you make any particular obſervation upon the part?—*A.* There was a great quantity of matter iſſued out.

Court. Q. Did you tell him the danger he was in?—*A.* I told his wife; the man himſelf was inſenſible during the operation; he was ſomewhat relieved from the operation.

Q. Did you attribute his death to the blow?—*A.* Moſt undoubtedly.

—— THOMAS *ſworn.—Examined by Mr. Jackſon.* I was called in to the deceaſed, on Tueſday evening, by Mr. Perrin; I found that he had loſt the uſe of the right ſide entirely.

Court. Q. Whether, in point of practice, it does not frequently happen that the perſon who has received a fracture may loſe the uſe of the oppoſite ſide?—*A.* Very frequently.

Mr. Jackſon. Q. How did you find the wound at that time?—*A.* It was nearly cloſed; but upon introducing a probe, I found a roughneſs upon the bone; I immediately laid open the ſkin, and perceived a fracture, with depreſſion of the ſkull; I then applied the trepan, and immediately a large quantity of matter iſſued out; the patient appeared to be perfectly inſenſible of pain, but the following morning ſeemed ſomewhat relieved.

Q. Did it appear to you that the blow had been given by the hand, or by an inſtrument?—*A.* I ſhould ſuppoſe, by the appearance, it was given by a ſharp pointed inſtrument.

Court. Q. Could you judge whether the inſtrument was a very ſharp inſtrument, or a blunt inſtrument, ſquare or round?—*A.* I ſhould ſuppoſe it had been the end of a poker, or ſomething of that ſort would have made a ſimilar indenture.

Mr. Jackſon. Q. To what did you impute his death?—*A.* In conſequence of the wound.

Q. Did he ſeem to have been taken proper care of?—*A.* I ſhould ſuppoſe if he had been taken care of in the firſt inſtance, it might have done very well, allowing for the danger of the operation itſelf.

Q. Did it appear to you to be a kind of wound that would of neceſſity have required the operation?—*A.* Moſt undoubtedly it would.

Q. That is always a hazardous operation?—*A.* Yes.

Q. When you viſited him again, had he recovered his ſenſes?—*A.* In part, he then anſwered ſome queſtions, but rather incoherently, he ſaid he was eaſier, and he ſaid he had ſlept.

Q. Did you attend him afterwards?—*A.* Yes, twice a day; he never recovered his ſenſes completely afterwards, nor the uſe of his ſide.

Croſs-examined by Mr. Knowlys. Q. From the time you were firſt called in, to the time of his death, you did not think he was perfectly rational?—*A.* No.

JOHN JONES *ſworn.—Examined by Mr. Jackſon.* I am the beadle of St. James's pariſh; I apprehended the priſoner, I ſuppoſed him to be the man, I met him in Jermyn-ſtreet; I came up to him, and aſked him what his name was, he ſaid, my name is Stevens; I aſked him to let me look at his right hand, he had both hands in his coat pocket; he pulled out his right hand, and ſhewed it to me, and according to the information I had by the public advertiſements, he was the man, he had got the firſt joint of his left thumb off; I told him, he muſt go along with me; he ſaid, Lord have mercy upon me, I hope you will not hurt me; ſays I, I will not; I took him, and put him in St. James's watch-houſe: I went up to the office, and enquired for the coroner's warrant and commitment, in conſequence of which it was that I apprehended him; I had an order to take him to Bow-ſtreet, I took him to Bow-ſtreet, I laid down the warrant, and informed Mr. Bond, and he ſaid, he did not ſee occaſion to hear any of the matters that had been heard before the coroner; he ſaid, here is your commitment, take him to Newgate; I called a coach, and took him to Newgate, going along, I aſked him how he came ,o do it.

Mr. Knowlys. Q. Did you tell him it would be better

better for him?—*A.* No; I did not hold out any threat or promiſe; I told him it was a ſhocking thing; he ſaid, why did not he take care of it in time; I offered to take him to Dr. Potts's, ſays he, he is an acquaintance of mine; that is the principal of what I know about it.

Croſs-examined by Mr. Knowlys. Q. You did not go after him, till after the coroner's inqueſt had been taken?—*A.* No, I did not.

Priſoner's defence. One of the gentlemen, the the ſurgeon, ſaid, if he had come to him ſooner, he might have been as well as any man; I told him, I would go with him to Mr. Potts's, he ſaid, he never would, but he never came down, and I never ſaw him up after; about a fortnight after the accident happened, I dined with him, and drank with him, till ten o'clock at night; his wife had given him a violent blow or two upon the part where he was wounded, and he never got up after.

Court. (To Mrs. Ware.) Q. The priſoner ſays, in his defence, that you gave your huſband a blow or two upon that part of the head where the wound was, is that ſo?—*A.* No; I was one day putting on my cap, he was ſtanding very near me, and I touched his head with my hand, as I was pinning my ribbon, and the matter came out of the wound, I told him, I was ſure I could not have hurt him ſo much; I ſaid, his head could not be ſo bad as he made of it.

Priſoner. Here is a perſon in the Court that Mrs. Ware told ſo.

For the Priſoner.

ELIZABETH JACKSON *ſworn.—Examined by Mr. Knowlys.* Q. Did Mrs. Ware tell you any thing reſpecting a blow that ſhe had given her huſband?—*A.* Mrs. Ware told me, that ſhe had given him a blow on the ſore place, the week before he took to his bed, and made the matter run all about his forehead, and ſhe ſaid ſhe was very much frightened.

Court. Q. Did ſhe ſay ſhe did it on purpoſe?—*A.* I do not know whether they had had any quarrel or not.

Court. Q. Did ſhe ſay they had had any quarrel?—*A.* No; ſhe ſaid, ſhe had given the blow.

Mr. Knowlys. Q. Were Mrs. Ware and her huſband uſed to quarrel?—*A.* They often quarrelled.

Q. Is Mrs. Ware a violent woman?—*A.* I do not know a great deal of her, I believe they were both pretty hot.

JOHN MORTLAKE *ſworn.*—I keep the Angel and Crown, in Eaton-ſtreet; I have known the priſoner two years ſince Chriſtmas.

Q. What ſort of a character has he bore for good nature?—*A.* I never heard any thing to the contrary; in the morning that this accident happened in the evening, Ware came from the country, and he came over to me, to aſk me to lend him a hat, he had loſt his hat the night before, coming with the coach; in the evening, Mrs. Ware came over, and ſaid, Mortlake, we have had ſuch a row over at our houſe—

Q. You muſt not tell what ſhe ſaid?—*A.* Next morning I ſaw Mr. Ware, he told me, that Stubbs and he had had words, and that he had received a blow; he ſhewed me the blow, and I ſaid, I thought he was able to defend himſelf againſt Mr. Stubbs, and he ſaid, oh, I will make him come down for this.

Q. Did Ware conſider this at all as a ſerious thing?—*A.* No; only he ſaid, he would make him come down for it.

Q. Did you, from what you ſaw at that time, think it at all a ſerious thing?—*A.* Not at all; it appeared to me to be only a graze on the temple, juſt about the eye; Ware came conſtantly to my houſe for a fortnight or three weeks after, and I went over with ſome beer for both of them to drink, the beer was ſet down to Stubbs, and they ſeemed very good friends.

Court. Q. What are you?—*A.* I keep a public-houſe, the Angel and Crown.

Court. Q. The priſoner was your cuſtomer?—*A.* Yes, both the priſoner and the deceaſed.

JOHN BARRETT *ſworn.—Examined by Mr. Knowlys.* I am a hair-dreſſer, in Druly-lane; I have known Stubbs twenty years, he always had the character of a good natured man, that I am ſure he would not be guilty of any action to injure any man.

NICHOLAS PETERS *ſworn.*—I keep houſe, and have the honour to be clerk to Mr. Warren, the barriſter; I have known Stubbs thirty years and more; during that time, I have been frequently in his company, both night and morning; I have worked with him, and eat and drank, and I never ſaw him lift his hand to any perſon, I look upon him to be a man of a good temper, and as honeſt as any man exiſting.

THOMAS READ *ſworn.*—I am a hair-dreſſer and wig-maker, in St. James's-ſtreet; I have known Stubbs about twenty years; he has been in the habit of doing buſineſs for me in that time almoſt conſtantly; he has behaved with the greateſt good nature, even to humility and *bearance*, rather than perſeverance; he was rather apt to forgive than reſent injuries; he would bear the miſeries of life, and the temper of others with great fortitude; he was remarkably honeſt, a great ſpirit of rectitude, very much ſo indeed, beyond the common capacities of men, and that ſpirit of rectitude, together with the bad company he was in, led him to commit the crime that he has been guilty of, at that moment it was unpardonable.

Court. Q. That ſpirit of rectitude led him to commit ſuch an offence as this?—*A.* The temper and diſpoſition of his mind.

The priſoner called two other witneſſes, who gave him the character of a good-natured man.

The Jury having retired about forty minutes, returned a verdict

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice GROSE.

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10. ELISHA BARNETT was indicted for forging and counterfeiting, on the 2d of October, a promiſſory note of the Bank of England, for 50l. with intent to defraud the Governor and Company of the Bank of England.

There were ſeveral other Counts in the indictment.

There being no evidence offered on the part of the proſecution, the priſoner was

ACQUITTED.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice GROSE.

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11. JOHN MARTIN was indicted for feloniouſly ſtealing, on the 15th of November, a pair of linen ſheets, value 12s. the property of his royal highneſs the duke of Glouceſter; five linen ſhirts, value 10s. a cloth coat, value 3s. two linen ſhifts, value 3s. three check aprons, value 3s. a cotton gown value 3s. and a ſilk handkerchief, value 1s. the property of George Davis.

GEORGE DAVIS *ſworn.*—I am in the ſervice of his royal highneſs the duke of Glouceſter, I am a poor labouring man, under the farmer of the park, at ten ſhillings a week, I ſleep in the houſe: I loſt, on the 15th of November, a coat, a waiſtcoat, five linen ſhirts, a cotton gown, two ſhifts, three check aprons, ſome handkerchiefs, and a pair of ſheets, that we ſlept in, belonging to his royal highneſs the duke of Glouceſter; the property is in Court.

RICHARD BROWN *ſworn.*—*(Produces the property).* On the 15th of November, I took the priſoner in the walk adjoining the duke of Glouceſter's park, about ten o'clock in the morning, he had my coat upon his back; the reſt were in this bag.

Proſecutor. Theſe are mine, except the ſheets, they are all marked G D, and the ſheets are marked D G.

(Elizabeth Davis, the wife of the proſecutor, alſo depoſed to the whole of the property).

EDWARD LAYTON *ſworn.*—On the 15th of November, about ten o'clock, I went after the priſoner; I ſaw him in the park, pretty near the bridge, I deſired Brown to lay hold of him, while I went after a conſtable; and he was taken into cuſtody.

Priſoner's defence. I was drove to it by neceſſity

GUILTY (Aged 28.)

Confined twelve months in the Houſe of Correction, and fined 1s.

Tried by the ſecond Middleſex Jury, before Mr. Baron PERRYN.

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12. MARY PRICE was indicted for feloniouſly ſtealing, on the 30th of November, a quart pewter pot, value 1s. 6d. the property of Samuel Underwood.

SAMUEL UNDERWOOD *ſworn.*—On the 30th of November, about ſeven o'clock in the evening, I ſaw the priſoner come in, I had loſt a great many pots, I ſuſpected the priſoner of taking them, we watched her; ſhe went out, and I followed her out, ſhe lived four doors from me, and I took her juſt as ſhe got within the door, with a quart pot under her apron. *(Produces the pot).*

Priſoner's defence. I went to the houſe to get ſome ſpirits, and I only took up the quart pot to get a drop of water; I ſcour three days in a week, and never took a pot in my life.

GUILTY (Aged 29.)

Confined ſix months in the Houſe of Correction, and fined 1s.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice GROSE.

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13. RICHARD PECK alias PACK was indicted for feloniouſly ſtealing, on the 5th of November, a live pig, value 30s. the property of James Johnſon.

JAMES JOHNSON *ſworn.*—I live in Well-ſtreet, Hackney: I loſt a hog three parts fat, on the 5th of November, I did not ſee the going of it; here is a witneſs here that did.

RICHARD UPTON *ſworn.*—On Sunday, the 5th of November, going up to the Green Dragon, in Wells-ſtreet, about twenty minutes before three in the afternoon, I ſaw a pig run a-croſs the ſtreet before me, I looked and ſaw Richard Peck behind it; he aſked me if I would give him any thing to drink; I told him, no, I could not afford it; I I ſaw him turn the pig towards Grove-ſtreet; I did not know whoſe pig it was at that time, but the priſoner ſaid it was his, and he was going to drive it home.

Q. Was he perfectly ſober at this time?—*A.* Yes, I believe he was.

Q. Were you and the priſoner acquainted with one another?—*A.* I did know him, I had ſeen him ſeveral times before; after he had turned the pig out, in Grove-ſtreet, I ſaw no more of him.

Q. What kind of a pig was it?—*A.* It was a hog, with a black head, and a black rump.

JOHN WOOD *ſworn.*—On Sunday afternoon, the

the 5th of November, I ſaw the priſoner go down Grove-ſtreet, with Mr. Johnſon's pig; I knew it, for I was about buying the pig of Mr. Johnſon; I ſaw no more of him after he went down Grove-ſtreet.

ELIZABETH BESWICK *called*.—I am ten years old.

Q. Do you know the nature of an oath?—*A.* Yes.

Q. What will become of you if you give any evidence now that is not true?—*A. (Heſitates).*

Court. Q. What will happen to you, if you ſwear falſely?—*A.* I do not know.

Q. Do you learn your catechiſm?—*A.* Yes.

Q. Do not you know, that you are liable to go to hell if you do not ſpeak the truth?—*A.* Yes.

(She is ſworn.)—I ſaw Mr. Johnſon's pig feeding on graſs, by the ſide of the road, on Sunday, the 5th of November, and Mr. Peck drove it out of the common out of my ſight, I ſaw no more of it; I knew the priſoner by ſight.

JOHN FLETCHER *ſworn*.—I ſaw the priſoner drive the pig through Grove-ſtreet, I did not know whoſe it was; it was about three o'clock in the afternoon, or a little after; I have known the priſoner theſe ten years, I lived cloſe by where he did live.

Priſoner's defence. I had no pig at all.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. Baron PERRYN.

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14. MARY DUFF was indicted for feloniouſly ſtealing, on the 30th of November, a pair of linen ſheets, value 14s. a pair of cotton ſtockings, value 3s. half a yard of printed cotton, value 10d. a linen ſhift, value 6d. a glaſs candleſtick, value 2s. a child's linen cap, value 2d. three earthen-ware plates, value 6d. three glaſs tumblers, value 10d. two wine glaſſes, value 6d. and an earthen-ware butter-boat, value 2d. the property of Benjamin Carpenter.

JANE CARPENTER *ſworn*.—I am the wife of Benjamin Carpenter; the priſoner lived ſervant with me, I did keep the Marquis of Granby public-houſe: I left her, on Thurſday laſt, in care of my children, while I went to ſee my huſband, who is in Clerkenwell priſon; I left her in care of the children about half paſt ten in the morning, I left my huſband about ſix in the evening; going into Bennett's-court, Drury-lane, where I uſed to live, to call upon a neighbour, (I live now in Wilderneſs-row, Chelſea), I ſaw the priſoner come out of the public-houſe that I did keep; I ſaid, Molly, how came you here, how could you go and leave three ſmall children, they may be burnt to death; ſhe exclaimed they were ſafe enough, ſhe had left the key in at the window.

Q. How far was this from Wilderneſs-row?—*A.* About four miles, as near as I can gueſs; I aſked her to come home with me, and ſhe ſaid, ſhe could not come home with me; I did prevail upon her to come home with me; I called to my little boy to give me the key out of the window, this was between ſeven and eight o'clock; I aſked her to get a light, my little boy went out and fetched a light, and, upon taking the infant off the bed, I miſſed the ſheets; I aſked her where the ſheets where; ſhe ſaid they were on the bed; looking further about my dirty linen, I miſſed a pair of white cotton ſtockings; I aſked her for the new ſhift, if ſhe had finiſhed it; ſhe ſaid, no, it lay upon a chair in the parlour; I ſaid, Molly, I am certain you muſt have taken theſe things, and if you will deliver them to me, I will not hurt you; ſhe ſaid ſhe had got them, and ſhe would keep them till I paid her her wages; I prevailed upon her to ſtop with me till morning.

Q. Were there any wages due to her?—*A.* No; I did not agree with her for any; ſhe came to me as charity, and I told her I would ſatisfy her for her trouble; ſhe came to me out of charity, for victuals and drink; ſhe came to town with me, and ſaid, when ſhe came to town, ſhe would deliver them voluntarily up; ſhe would not deliver them when I came to town; I ſearched for them, and found them at a tea-dealer's, in Drury-lane, where ſhe lodged; ſhe lodged there a good while before; I found the things named in the indictment in her room.

EDWARD TREADWAY *ſworn*.—I am a conſtable: I went with a ſearch-warrant, to ſearch the priſoner's lodgings, on Friday, the 1ſt of December; I found the things named in the indictment. *(They were produced in Court, and depoſed to by Mrs. Carpenter).*

Priſoner's defence. That property is not her's, except the ſheets that ſhe let me have to waſh; and ſhe owes me a month's wages at one ſhilling a day, when her huſband was arreſted at the Marquis of Granby.

Proſecutrix. I had left them under her care, ſhe offered to waſh them, but I told her not to waſh them, but to take care of my children.

GUILTY (Aged 30).

Confined twelve months in the Houſe of Correction, and fined 1s.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice GROSE.

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15. WILLIAM HARITAGE was indicted for feloniouſly ſtealing, on the 4th of November, a wicker flat, value 3s. a linen cloth, value 2d. and 50 lbs weight of butter, value 39s. the property of Phillip Murray.

PHILLIP

PHILLIP MURRAY *ſworn*.—I ſell butter, pork, and cheeſe, in Clare-market: On the 4th of November laſt, I loſt fifty pounds of butter, I laid it at nine-pence per pound.

Q. Have you any ground from your own knowledge to charge the priſoner with taking this property?—*A.* I delivered to him a flat of pork and a flat of butter, tied together, to bring home to my houſe; he was a porter in the market; he brought the pork, and left the butter, ſaying, it was too heavy a load to bring together, that he had left it with a ſhoe-mender, who rented a ſtall under the Magpye public-houſe, in the Butcher-row; he came back again, and ſaid, that the flat of butter was taken away.

Q. But what had the priſoner to do with that?—*A.* That is the very thing I want to know,

Priſoner. When I went to the ſhoe-maker, he told me it was there the minute before; and I went back directly, to tell Mr. Murray of the misfortune that I had had with it.

SARAH MURRAY *ſworn*.—I am daughter of the laſt witneſs; I was in the ſhop when he brought the pork, and ſaid he would go back for the butter; he came back about half an hour after, and ſaid he had loſt it.

EDWARD GRIFFIN *ſworn*.—I am a porter: I know nothing about it but what Mr. Murray has told me.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. Baron PERRYN.

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16. HUGH HUGHES was indicted for feloniouſly ſtealing, on the 12th of November, 34 lbs weight of mutton, value 17s. the property of Henry Newman.

HENRY NEWMAN *ſworn*.—I am a butcher, at Barnet: I loſt a ſide of mutton laſt Sunday was a fortnight; I miſſed it on the Monday morning, from a place that I had to kill in, at the Roebuck; I locked it up there on Sunday night, after it was dark; there was a whole ſide altogether.

ROBERT POOLE *ſworn*.—I live at Enfield; the priſoner at the bar offered me a ſide of mutton to ſell, on Tueſday the 14th of laſt month; I unlocked the ſhop door, and he brought it into the ſhop, and I thought he had ſtole it; I aſked him, what he aſked for it, if I got a cuſtomer; he ſaid, three-pence a pound; I told him, there was another butcher a little lower, perhaps he might buy it of him; it weighed four ſtone two pounds; accordingly, as I thought he had ſtole it, I went to a Magiſtrate; I am a headborough; and he ordered me to take him directly into cuſtody; accordingly I took him, and put him into the watch-houſe; afterwards, I took him before the Magiſtrate, and he aſked him how he came by that mutton; he told the Magiſtrate, he had bought it out of a drove; the Magiſtrate aſked him if he would enliſt for a ſoldier, and he did enliſt; and he and the ſoldiers ſoon got thro' the mutton; he was examined by the doctor, and he would not do for them; and I had him in my cuſtody again; I very ſoon after heard of the robbery. I had this apron from the priſoner, which Mr. Newman has ſworn to be his property. *(Produces it)*.

JOHN TAYLOR *ſworn*.—The priſoner was going acroſs 'Squire Read's park, about a mile from Barnet, on Tueſday morning, at half paſt ſeven o'clock, he had a ſide of mutton upon his left ſhoulder, and a ragged apron over it; I ſaid to him, is that Mr. Newman's meat, and he ſaid, yes.

Poole. It was about nine o'clock when he came to me; I live about five miles from Barnet.

Q. (To Newman). When had you ſeen the priſoner before the robbery?—*A.* Not for a week before.

The priſoner did not ſay any thing in his defence.

Proſecutor. I could only raiſe one ſheep in the world, and he took half of it.

GUILTY (Aged 31.)

Confined ſix months in the Houſe of Correction, and fined 1s.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice GROSE.

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17. MARY VALENCE was indicted for feloniouſly ſtealing, on the 27th of October, five cotton ſhawls, value 5s. the property of John Jackſon.

—— FRANCIS *ſworn*.—I am aſſiſtant to Mr. John Jackſon, a linen-draper, No. 146, Oxford-ſtreet: On the 27th of October, I do not recollect what day of the week, it was about three o'clock in the afternoon, the ſhawls were hanging outſide the door; a gentleman came in, and ſaid there was a perſon gone along with ſomething of ours in her pocket; I purſued the priſoner, and found the ſhawls concealed in her apron, about twenty yards from the ſhop, or rather better; I brought her back into the ſhop, and ſent for a conſtable, ſhe gave no account how ſhe came by them; I ſaw them hanging there about two o'clock, they had Mr. Jackſon's private mark upon them, in Mr. Jackſon's brother's hand-writing; they are exactly the ſame ſize and pattern as thoſe that I miſſed. *(Produces them)*.

Priſoner's defence. I live in Oxford-buildings, Oxford-road; coming along, I ſaw theſe ſhawls blow off from a railing, a woman came by, and ſaid, my good woman, pick them up, and take them into the ſhop, and I was going to take them into the ſhop, when that gentleman came and laid hold of me.

Court.

Court. (To Francis.) Q. In what direction was ſhe going?—*A.* From the ſhop, at the diſtance of about twenty-five yards, ſhe ſaid ſomething of this ſort at the office.

GUILTY (Aged 30.)

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury, before Mr. RECORDER.

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18. HENRY PEDDER was indicted for feloniouſly ſtealing, on the 24th of November, an earthenware jar, value 2d. and eighteen pounds weight of honey, value 20s. the property of Richard Morris.

RICHARD MORRIS *ſworn.*—I am an oilman, the corner of Windmill-ſtreet, at the back of Finſbury-ſquare: On the 24th of November, about half paſt eight in the morning, I loſt a jar of honey, I was in the cellar under the ſhop, my wife called me quick to come up, I went up, and ſhe told me a tall man had ſtole a honey-pot; I purſued him to the end of the ſtreet; I ſaw the priſoner with a jar upon his head, and another man in a flannel jacket; I followed him near Tabernacle-ſquare; I ſtopped him, and demanded it as my property, he ſaid, he knew nothing at all of it, he had it from that other man, and the other man ran away; the jar has the word honey wrote upon it by me, I had ſeen it at ſeven o'clock in the morning, when I opened ſhop.

Mrs. MORRIS *ſworn.*—I am the wife of the laſt witneſs; I was making ſome toaſt in the parlour, about half-paſt eight o'clock, I liſted up my head, and ſaw a man, I cannot ſwear it was the priſoner, it was a man in a blue coat, he took ſomething in his arms, I could not tell what, I went to look, and miſſed a pot of honey from the top of a large jar. *(The property produced).*

Priſoner's defence. I told him that that man had employed me to carry it, and he would not take the man that employed me, but ſaid he would take me.

GUILTY (Aged 20.)

Confined twelve months in the Houſe of Correction, publicly whipped and diſcharged.

Tried by the firſt Middleſex Jury, before Mr. RECORDER.

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19. JAMES BALL was indicted for feloniouſly ſtealing, on the 3d of November, twelve penny-weights of gold, value 2l. 3s. and eight pieces of gold, called blanks, of the weight of two ounces four penny-weights three grains, value 8l. 8s. the property of Joſeph Safe, William Gregory, Henry-William Atkinſon, Reuben Fletcher, John Nichol, and Richard Franklin.

Second Count. Laying it to be the property of the Governor and Company of the Bank of England.

(The indictment was ſtated by Mr. Ward, and the caſe by Mr. Fielding).

JOHN NICHOLL *ſworn.*—*Examined by Mr. Fielding.* I am a monier of the Mint, the priſoner was employed in the Mint, and had been about ſix months; the moniers of the Mint are Joſeph Safe, William Gregory, Henry-William Atkinſon, Reuben Fletcher, Richard Franklin, and myſelf.

Q. The ingots are delivered to you in bars?—*A.* Yes; we have the charge and cuſtody of it, and are reſponſible for the money.

Q. What was the priſoner?—*A.* What they call a ſizer, he oils the guineas, and carries them in various ſtates from one room to another.

Q. Having acceſs to the different commodities that are there?—*A.* Yes.

Q. Was there, on the 3d of November, or before that, golden blanks for guineas?—*A.* There were, on that day, and the next, I believe, I cannot ſpeak exactly, we miſſed them frequently.

Q. Are you enabled to ſay there were ſome taken away?—*A.* Yes, certainly, I ſhould think ſo; this is the blank that I received from Cuff, the pawnbroker's man, it has the aſſay mark upon it, but I ſhould have known it without.

Q. Did you ſee the priſoner when he was apprehended?—*A.* Not till he was before the Lord-Mayor.

Croſs-examined by Mr. Alley. Q. A number of men are employed in the ſame office that this man is!—*A* Yes.

Q. It is not your duty to inſpect the office he belongs to?—*A.* Yes, it is.

Q. I believe, you do not know any thing about any loſs, except by the compariſon of ſome books?—*A.* Yes; I have miſſed blanks ſeveral times, but could not tell how they were gone.

Q. How often?—*A.* I cannot ſay, every day almoſt.

Q. You have a great number of men employed?—*A.* Yes.

Q. No individual man has any particular charge over any particular portion of it?—*A.* Certainly not.

Q. There are ſix moniers of the Mint?—*A.* Yes.

Q. Are there any ſuperior officers to you?—*A.* Yes.

Q. What ſort of commiſſion have you?—*A.* A commiſſion from the Crown.

Q. Then the capacity in which you are authorized to diſpoſe of any of the property that comes into your hands, is merely a capacity of ſo many perſons, moniers in the Mint—when you undertake to perform any particular act, you muſt perform that act in your capacity as moniers, and in no other capacity?—*A.* Certainly.

Q. Therefore

Q. Therefore, any other act which is not done by you, as moniers of the Mint, muſt be null and void?—*A.* I do not underſtand you.

Q. Suppoſe five of you were to do an act without the ſixth, that act muſt be null and void?—*A.* Yes.

Q. Is there any particular Act of Parliament by which you have authority to act?—*A.* No.

Q. In the authority you have got, giving you a privilege to act, is that a joint authority, which ſays you ſhall do ſo and ſo?—*A.* I never read the authority under which I act.

WILLIAM CUFF *ſworn.*—I live with Mr. Fullwood, pawnbroker, No. 30, Barbican; the priſoner came to our houſe on the 3d of November, between two and three o'clock; he offered for ſale eight gold blanks, nearly the ſize of a guinea each, and ſeveral ſmall pieces of gold; he wiſhed to know the value of them; having bought two ſmall parcels of gold of him in the month of July, it gave me to ſuſpect he had not come by them honeſtly; I wiſhed him to leave them and call again at five o'clock; he would not leave them without my putting down the weight, two ounces, ſixteen penny-weights, which I did, and gave him the paper, he ſaid he would call at five o'clock; I then ſent them by the lad who was in the ſhop with me, to my maſter, the boy's name is Lawrence Notley; my maſter returned between four and five, and the priſoner came again between five and ſix; Mr. Fullwood, Mr. Maſon, and the boy were then in our houſe; he wiſhed to have the value of the gold, Mr. Fullwood then came out of the parlour with the conſtable, and took him into the parlour, where he remained till the gentlemen came from the Mint; I went into the parlour with the gentlemen, and they ſeemed very much ſurpriſed, and ſaid, Ball, is it you? there were ſeveral words paſſed, and he was taken to the office.

Q. What became of the blanks you had ſent by Notley to your maſter?—*A.* I received them from Mr. Fullwood.

Croſs-examined by Mr Alley. Q. How many are concerned in the ſhop beſides yourſelf?—*A.* The boy Notley.

Q. What time did the priſoner bring theſe to your ſhop?—*A.* Between three and four.

Q. Was it you that entered into the treaty?—*A.* Yes.

Q. Had you ever bought any gold in the ſhop before?—*A.* Yes.

Q. Something ſimilar, I ſuppoſe?—*A.* Something ſimilar.

Q. Had not your maſter been in treaty with ſome perſons, that, before the Magiſtrate, he ſaid, were coiners?—*A.* I did not hear any ſuch thing; I remember his ſaying, he did not know whether ſomebody had not tried to make a Yorkſhire guinea, and failed in the attempt, and ſold it.

Q. Sterling gold you know, is what they call Yorkſhire gold?—*A.* We did not know it was ſterling gold.

Q. You a pawnbroker, and not know ſterling gold; do you not try every bit of gold before you deal about it?—*A.* Yes.

Q. Theſe being Yorkſhire guineas, was his honeſt excuſe for purchaſing ſuch a commodity?—*A.* I left it to my maſter.

LAWRENCE NOTLEY *ſworn.—Examined by Mr. Fielding.* I was in the ſhop when the priſoner came into the ſhop; when the priſoner came in, I took eight blanks of gold, and ſundry pieces of gold, which I took from Cuff, to Mr. Fullwood; I gave them into his hand.

Croſs-examined by Mr. Alley. Q. You received ſome pieces from the laſt witneſs, you do not know where he got them?—*A.* Yes; I ſaw him receive them from James Ball.

Q. Did you give it to your maſter?—*A.* Yes.

Q. Did you watch your maſter while he was looking at them?—*A.* He took them to Mr. Aſpinſhaw, and he ſaid it was Tower gold.

Q. Was it ever given to you again?—*A.* No.

Q. Therefore whether your maſter changed it or not, before he brought it back, you do not know?—*A.* No.

WILLIAM-ROBINSON FULLWOOD *ſworn.—Examined by Mr. Fielding.* I am a pawnbroker: The boy came to me on the 3d of November, and brought me eight blanks of gold, and ſome other pieces; I was at my uncle's, No. 70, Leather-lane; I returned them to the man again in the ſame ſtate that I had received them from the boy.

Cuff. Theſe are the pieces I had from Mr. Fullwood.

Q. *(To Notley).* Theſe pieces that you received from Cuff, you gave your maſter?—*A.* Yes.

Mr. Nicholl. I had theſe from Cuff, before the Lord-Mayor.

Cuff. That is one of the parcels that I received from the priſoner.

Fullwood. Before I got home, I had applied to a perſon in Leather-lane, Mr. Aſpinſhaw, who is a ſmith in the Mint; I then went home, and had got Maſon, the conſtable, ready to take him up.

Q. When the priſoner came into the ſhop, did he apply to you, or to the man?—*A.* He applied to the man at the door; I did not hear diſtinctly what he ſaid, but hearing ſomething, I went out, the conſtable followed; I produced the pieces, and he ſaid, what will you give me for them; I told him, I thought he had not come honeſtly by them, and I ſhould give charge of him; the moniers of the Mint came, and ſo did Mr. Aſpinſhaw; before they

they came, I had aſked him if he ſold them for himſelf, or for any one elſe; he ſaid, he had brought them for no perſon but himſelf, they were his own property, and ſo he ſhould make it appear; we expreſſed ſurpriſe that the parties were ſo long in coming; he ſeemed to wiſh to know who the parties were that were coming; Mr. Aſpinſhaw came about five o'clock, or it might be ſomething more.

Croſs-examined by Mr. Alley. Q. You are a pawnbroker?—*A.* I am a ſilverſmith and ſaleſman.

Q. Not a pawnbroker?—*A.* Yes; but not in that ſhop; it is my uncle's ſhop; I have the management of it.

Q. Does he manage the pawnbrokering buſineſs now?—*A.* I am obliged to mind that for him.

Q. Theſe blanks had been in a good many hands beſides yourſelf?—*A.* Yes; I gave them firſt into the hands of Mr. Aſpinſhaw's father, and he ſhewed them to his ſon; but they never paſſed my ſight; the time Mr. Aſpinſhaw wanted to take care of them, I would not leave them.

Q. You have ſeen Yorkſhire guineas?—*A.* Yes.

Q. And theſe are very ſmall to Yorkſhire guineas?—*A.* Yes.

Q. They were very much like Yorkſhire guineas?—*A.* I went to a refiner for his opinion; if I had known it had been ſtamped for gold, I ſhould not have let him have them for three guineas; it would have puzzled a refiner in that ſtate.

Q. Has there not been ſomething before the Magiſtrate about guineas?—*A.* What Magiſtrate? I have heard nothing about it, except before the Lord-Mayor, in the preſent buſineſs; I never bought any like this.

Q. What do you know about Yorkſhire guineas?—*A.* I had taken them in the way of trade.

Q. And you a ſilverſmith?—*A.* Yes.

Q. You did not go before the Lord-Mayor?—*A.* Not till the Monday following.

Q. Did you not ſay you would purchaſe one hundred pounds worth of ſuch goods, if they were brought to you?—*A.* No.

Q. How many perſons were at Mr. Aſpinſhaw's?—*A.* His ſiſter.

Q. Do you mean to ſwear theſe pieces are the pieces that came from the priſoner?—*A.* Yes.

Q. When you buy ſilver, do you always go to a refiner's, to ſee whether it is gold or ſilver?—*A.* Yes; but when gold is in this ſtate, it is impoſſible to tell what it is.

WILLIAM MASON *ſworn.*—I went to the houſe of Mr. Fullwood, and ſaw Cuff, to take charge of a perſon they expected to return about ſix o'clock.

Q. When was it that you ſaw the priſoner at the bar?—*A.* About five o'clock in the evening, being in the parlour, I waited for a ſignal to know when the man was come; he was pointed out to me; I went into the parlour, Mr. Fullwood came into the room; the priſoner ſeemed very ſorry for what had happened; and I deſired him to ſit down, for I expected a gentleman to call; Ball ſat down in a chair, and wanted to know how long it would be before the gentleman came; I talked to him, and endeavoured to perſuade him to be ſatisfied for a few minutes.

Q. How long was it before any gentleman came?—*A.* About half an hour; while I was in the parlour, I aſked him if it was his own property, or if he ſold it for any body elſe; he ſaid, it was his own, he had bought it of a man; I aſked him who that man was, and where he lived; he could not tell, but ſaid it was his own property; I aſked him if he had got any more; he ſaid he had got no more at all; ſtill he was very impatient; he threw this piece of paper on the fire, accordingly I picked up the piece of paper; after that, Mr. Atkinſon and a Mr. Gregory came into the houſe, with ſome other gentlemen; ſoon after that one of the moniers gave me charge of him.

Croſs-examined by Mr. Alley. Q. You were before the Lord-Mayor?—*A.* Yes.

Q. I believe there was a little conteſt between you and Mr. Nicholl, about this gold, whether it would be identified?—*A.* No; the man never ſaid what gold it was, I was informed before that they were blank guineas.

—— ASPINSHAW *ſworn.*—*Examined by Mr. Fielding.* Q. You are employed in the Mint?—*A.* Yes; I went to Mr. Fullwood's houſe in conſequence of his calling upon me, I ſaw the priſoner there; I aſked him how he came by them, and whether there was any other man concerned beſides himſelf; but he ſaid, it was all his own doing.

Q. Did he ſay where he had got them?—*A.* No; he had hid them in various places, and that no one was concerned with him.

Q. In various places where?—*A.* In the building.

Q. You mean in the Mint?—*A* Yes; I aſked him how he got them; he ſaid from different places, ſome were taken from the ſize-room, and others were taken from the Mint office.

Q. Is that where the blanks are lodged?—*A.* No; the pieces of cecil are.

Croſs-examined by Mr. Alley. Q. In what ſtate do you receive the gold from the moniers, is it not in bars?—*A.* No; they receive it in bars.

Q. Is it in bars when the moniers give it to you?—*A.* Yes; it goes through various proceſſes.

(Mr. Nicholl proved the blanks having come from the Tower).

Court. Q. How does the money come to you?—*A.* It goes in ingots to the melter, and from him to us; and we return it to the Bank of England weight for weight, as we receive it.

The

The priſoner called five witneſſes, who gave him a good character.

GUILTY (Aged 28.)

Tranſported for ſeven years.

Tried by the London Jury, before Mr. RECORDER.

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20. RICHARD GREEN was indicted for feloniouſly ſtealing, on the 15th of November, 1276 half-pence, value 2l. 13s. 2d. and 88 farthings, value 1s. 10d. the property of Thomas Dabbs in his dwelling-houſe.

THOMAS DABBS *ſworn.*—I live in Pelham-ſtreet, Mile-end New Town, in the pariſh of Stepney: On the 16th of November, I came home with ten crown paper bundles of halfpence and farthings, and three half-crown papers containing two ſhillings and five-pence in half-pence, and four farthings; they were put over the bar-door for my wife to pay the coal-merchant, if he ſhould call; there were, in the whole, eighty-eight farthings, amounting to two pounds thirteen ſhillings and two-pence, they were all in the ſame place; the half-crown papers were put there for the purpoſe of giving change; the priſoner lived about half a quarter of a mile from my houſe, or not ſo much, I cannot juſtly ſay; he uſed to go backwards and forwards; I was in the bar, and miſſed the money; I ſaid to my wife, the coal-merchant has been here; ſhe ſaid, no, he had not; ſhe recollected, after ſome time, that the priſoner had been within the bar, one foot in and one foot out, he had two pint pots in his hand, one he ordered to be filled for himſelf, and another for the tap-room; I went for a warrant, but did not get one, that was on the 17th; I told the officer, Mr. Peach, that they were tied up in this way, *(producing a paper of halfpence)*; I went with the officer to the priſoner's lodgings, he was not at home, his wife ſaid, ſhe did not know where he was; I aſked her if her huſband did not bring home ſome halfpence; we began to ſearch, ſhe was very unwilling, but we found a paper, and I ſaw another paper in her hand, which ſhe was going to conceal; I found a great quantity of halfpence looſe, and ſome tied up in a handkerchief; the priſoner came home about three o'clock, and he was taken before a Magiſtrate.

Q. You cannot ſwear to the identical coin?—*A.* No; we found two half-crown papers in the houſe.

Croſs-examined by Mr. Alley. Q. This indictment charges the man with ſtealing your money in your dwelling-houſe, in the pariſh of Stepney; is it not in the pariſh of St. Lawrence, Stepney?—*A.* It is in the pariſh of St. Dunſtan, Stepney.

Q. Of theſe halfpence, a great many were bad?—*A.* Yes.

Q. Will you ſay there were forty ſhillings-worth of Tower halfpence?—*A.* I cannot ſay.

Q. Twenty ſhillings-worth?—*A.* That is hard to ſay, Tower halfpence.

Q. And you will not ſwear, I dare ſay, that the mere weight of the other halfpence would have ſold for twenty ſhillings?—*A.* No.

Q. Did his wife never come to the houſe?—*A.* No, never.

Q. Might you not have changed theſe bundles of halfpence?—*A.* I do not think I have changed any more than four bundles for theſe two months paſt.

ELIZABETH DABBS *ſworn.*—I am the wife of the proſecutor: On the 16th of the laſt month, my huſband left with me ſome halfpence, packed up in brown paper; ten crown papers were laid by for the coal-merchant; and two or three half-crown papers, I do no know which, to give change with, they laid upon the ſhelf in the bar; the priſoner uſed to come now and then for a pint of beer, he was at our houſe on that day; he was there in the morning, and again in the afternoon, he came in and called for a pint of beer; when I came up the cellar ſtairs, he was coming out of the bar; I went into the tap-room, I did not ſay any thing to him; I had ſeen the halfpence on the ſhelf in the morning.

Q. But you are ſure he came out of the bar?—*A.* Yes.

WILLIAM PEACH *ſworn.*—I am an officer: On the 17th of November, I went with the proſecutor to the priſoner's lodgings, No. 6, King-Edward-ſtreet, Mile end, about half a quarter of a mile from the proſecutor's houſe; the proſecutor told me if there were any halfpence, they were bound up in paper in the form of one that he ſhewed me; the priſoner was not at home; after waiting a little while, I told his wife my buſineſs, I had not a ſearch-warrant, I deſired her to open the drawers; in the drawers I found this double paper, and theſe two half papers, the twine and the paper, and the manner of tying up, correſponded exactly; I ſaw her with a paper in her hand, and I went and took it from her; under the pillow of the bed, in this handkerchief, in two corners, I found a quantity of halfpence, *(producing them)*; and over the fire-place, in a coffee-cup, I found a quantity of farthings; in different parts of the room I found a great many more halfpence, looſe, and the ſame kind of paper about the room that the halfpence were packed up in; when he came in, I ſearched his perſon, but found no money but one halfpenny upon him; I took him, and his wife and all to the office.

Priſoner's defence. I was at work for a maſter carpenter, and he uſed to give me always ten ſhillings

lings-worth of halfpence on the Saturday-night, and I uſed to give them to my wife.

GUILTY Of ſtealing to the value of 39s.
Confined ſix months in the Houſe of Correction, and fined 1s.

Tried by the ſecond Middleſex Jury, before Mr. Baron PERRYN.

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21. MARGARET GILL, alias WILSON, was indicted for feloniouſly ſtealing, on the 16th of September, a pair of linen ſheets, value 10s. a cotton counterpane, value 15s. and a ſilver table-ſpoon, value 5s. the property of Anthony-King Bailey, in a lodging-room let by contract by the ſaid Anthony to the ſaid Margaret.

ANTHONY-KING BAILEY *ſworn.*—I live at No. 3, Northumberland-ſtreet, Strand: I let ready furniſhed lodgings; I have very little recollection of the priſoner, I was not at home at the time the lodgings were taken.

SALLY BAILEY *ſworn.*—I am the wife of the laſt witneſs: I let the firſt floor of our houſe to the priſoner, on the 16th of September laſt, at a guinea a week, ſhe came in that morning after ten o'clock; ſhe came there as a captain Wilſon's wife, from Yarmouth; ſhe ſaid, ſhe had come that morning to the Golden-croſs, Charing-croſs, at ſeven o'clock, by the Yarmouth coach; that captain Wilſon was to be in town on the Friday, that he was to come in his own veſſel, and ſhe could not travel by water, ſhe came by land carriage; ſhe deſired to have a pair of ſheets aired, and a bed made, as ſoon as poſſible, ſhe had been travelling two nights, and was very much fatigued; I ſent my ſervant for the ſheets, and put them to the fire immediately; ſhe aſked if I would be kind enough to let her ſit down by the fire; I ſaid there was none but in the kitchen; after ſhe had ſat down about a quarter of an hour in the kitchen, ſhe begged to have a card of our addreſs to leave at Charing-croſs, that captain Wilſon might know where to find her; ſhe went out and returned about one o'clock, ſhe might be gone about half an hour, or ſomething better; ſhe deſired me to get her a baſon of ſoup, and a threepenny-loaf; I gave four ſhillings and ſixpence for a ſack of coals and ſixpenny-worth of wood; the ſervant went to the Spring-garden Coffee-houſe and got a baſon of ſoup, and a threepenny loaf, ſhe took up with it a ſilver table-ſpoon; after ſhe had eat part of the ſoup, ſhe went into the bed-room, as we thought, to go to bed; while ſhe was in the bed-room, the girl went three times into the dining-room to ſee how the fire was; we heard nothing more of her till, as near as I can recollect, about five o'clock; ſhe came down ſtairs from the dining-room to the top of the kitchen ſtairs, and called the ſervant, ſhe told her ſhe was going out to order ſome things in, and deſired ſhe would take them in when they came; I went to the kitchen ſtairs, and deſired her to let the ſervant go as ſhe felt ſo much fatigued; ſhe told me, no, ſhe was obliged to go out herſelf, and deſired the kettle might be got boiling, and the tea-things carried up, by ſix o'clock; ſhe then left the houſe, having been there about half an hour; the ſervant went up to ſee how the fire was, and the dining-room door was locked, ſhe came down and told me the door was locked; ſhe did not return at ſix o'clock, and when ſeven o'clock came, I was very much alarmed; I ſent the girl to the Golden-croſs, to know if a perſon of the name of Wilſon, captain Wilſon's wife, had come with the coach that morning, and to know if ſhe had left a card of our addreſs there, that the captain might know where to find her; ſhe brought word, for the anſwer, that there were only two gentlemen came in the Yarmouth coach that morning; and by the time the girl returned, captain Leiceſter, that lodged in the parlour, came in, and we tried to open the door, and could not; we got a ladder, and got in at the window, backwards; we found a pair of ſheets gone, and a counterpane, a table-ſpoon, and the key of the door; by the time we had done it it was almoſt eight o'clock; I ſent for my huſband, and we went to Bow-ſtreet, and gave information; I called at Mr. Salkeld's, the pawnbroker, the corner of Bedford-ſtreet, and two others, but nothing had been pawned of that kind then; in the evening, the pawbroker at the corner of Bedford-ſtreet, came to tell me his young man had recollected taking in theſe things, at ſix o'clock that evening; I deſcribed her dreſs, and her perſon, and he ſaid, it was exactly the perſon I had deſcribed; ſhe had pawned them in my name, and told them that ſhe was the miſtreſs of the houſe, that ſhe kept the houſe; the next morning I went to Bow-ſtreet, and informed them we had found ſome things; they told me, at Bow-ſtreet, that unleſs I found the perſon I muſt take the things out, and pay a guinea for them, that they had advanced; I ſaw no more of her till the 29th of November, I was going up to Newport-market, and at the corner of St. Martin's-lane, there is a woollen-drapers, ſhe ſaw me, ſhe ran up a court, and I went after her, ſeeing me coming after her, ſhe returned; I aſked her if ſhe did not know me; ſhe told me ſhe did not, that ſhe had never ſeen me before; I told her I was confident ſhe had; ſhe aſked me when; I told her I thought ſhe could recollect where as well as I could tell her; I told her if I muſt have the trouble to tell her, that I was the perſon where ſhe took the table-ſpoon, and the counterpane, and ſheets from, in Northumberland-ſtreet; ſhe told me I had miſtook the perſon; I told her I was confident to her perſon; ſhe ſaid, if I took her up, ſhe would take

take me up; I told her I ſhould not take her up myſelf, but if ſhe offered to ſtir till I had aſſiſtance, I ſhould cry ſtop thief; ſhe told me, ſhe would not be detained in the ſtreet; there was a great mob of people gathered round; I deſired a young man that was there to get ſomebody to take the priſoner, for ſhe had robbed me; he brought the beadle of the pariſh, and they took her down to the watch-houſe, and from thence to Bow-ſtreet, where ſhe was examined; my ſervant girl went to Bow-ſtreet, and ſhe knew her as ſoon as ever ſhe ſaw her; when ſhe was ſearched, ſhe had two guineas and a half in gold in her pocket, ſix ſhillings and ſix-pence in ſilver, and three ſhillings in halfpence and farthings, and a great number of duplicates, but not the duplicate of the ſpoon.

Croſs-examined by Mr. Peat. Q. You never ſaw the perſon of the priſoner before the time ſhe came to your houſe?—*A.* No.

Q. She ſat in the kitchen?—*A.* A quarter of an hour.

Q. Had you any converſation with the gentleman in the parlour?—*A.* No, nothing particular.

Q. Did you never ſay that you ſuppoſed it was a man in woman's clothes?—*A.* I ſaid, I thought ſo; becauſe ſhe was ſuch a large featured woman, but I am ſure ſhe is the perſon.

Q. How do you know that ſhe was gone about half an hour?—*A.* I ſaw her go.

Q. Then you or your ſervant ſaw her all the time?—*A.* I do not know.

Q. The ſpoon was there when ſhe returned at one o'clock?—*A.* Yes.

Q. Your ſervant made the bed, between the time of her leaving the houſe, and coming home, at one o'clock?—*A.* Yes.

Q. Have not you a great many lodgers?—*A.* No.

Q. You are not very nice in your lodgers, I ſee, to take people without characters?—*A.* I told her, I wiſhed to have ſome account of her.

Q. Did you ſee her when ſhe came back again at one o'clock?—*A.* No; the girl did.

Q. But you yourſelf did not know who that was?—*A.* No.

Q. How long do you think it was, before the perſon who went up ſtairs, quitted the houſe again?—*A.* About five o'clock, as near as I can tell; I ſaw her go out myſelf.

Q. You did not ſee the perſon?—*A.* Yes, I did.

Q. At what hour did the pawnbroker ſtate the things were pawned?—*A.* Six o'clock, as near as I can recollect.

Q. You have, probably, more ſheets, and more counterpanes, and more ſpoons in the houſe?—*A.* I have; the counterpane I am certain to, it has my mark upon it.

Q. If any perſon ſtopped you in the ſtreet, miſtaking you, you would not have liked it?—*A.* I ſhould not have minded, if I had known myſelf innocent; I am certain to her perſon, ſhe ſaid, at Bow-ſtreet, that ſhe was in Ireland at that time.

Q. Then you do not know preciſely, whether ſhe was in the houſe on the 5th or not?—*A.* To the beſt of my knowledge ſhe was.

LYDIA SMITH *ſworn.*—On the 16th of November, the priſoner was at Mr. Bailey's houſe between the hours of ten and one, I cannot tell exactly the time ſhe firſt came; I do not know any thing that paſſed before one o'clock, ſhe came in at one o'clock; I went and fetched her ſome ſoup, ſhe aſked me to fetch her ſome, and ſhe gave me one ſhilling.

Q. Only one ſhilling?—*A.* Only one ſhilling, and a three-penny loaf; I took the ſoup up to her, with a ſilver ſpoon, and the loaf; I aſked her if ſhe wanted any thing elſe, ſhe ſaid, no, ſhe did not want any thing elſe; ſhe ſaid, ſhe was very much fatigued, and ſhe would go to bed; ſhe went into the room to go to bed, as I thought, I went into the room three times, to look at the fire in the mean time, and to take the baſon and the ſpoon away, but it was put in the cupboard, with the baſon half full of ſoup, I ſaw it there; I did not ſee any more of her till five o'clock, ſhe called to me at the top of the kitchen ſtairs, to aſk me to take in the things that ſhe ſhould ſend in; I ſaw her go out at the door directly; in about half an hour after, I went up ſtairs to look at the fire, and the door was faſtened; I went down ſtairs and told my miſtreſs of it, I made the kettle boil and ſet the things ready to take up ſtairs; I went up again to ſee, and I could ſee no fire through the key-hole; it went on till about ſeven o'clock, then we began to be very uneaſy, and my miſtreſs deſired me to go to the Golden-croſs, Charing-Croſs; I went there, and aſked the landlady of the houſe, if a Mrs. Wilſon had come there from Yarmouth, that morning, and the anſwer was, no, there was no ſuch a perſon came there; I returned back again, and told my miſtreſs; when I returned, there was captain Leiceſter in the houſe, we tried to open the door, but could not; I went down into the kitchen, and got a table to ſet a ladder upon to get in at the window; I got in myſelf at the bed-room window, and ſaw that the quilt was gone off the bed, and we looked, and found the ſheets were gone; we went into the dining-room, and ſaw that the table-ſpoon was gone out of the baſon, that was at eight o'clock, and my miſtreſs ordered me to fetch my maſter from the Haymarket.

Q. How many times did you ſee her?—*A.* Three times; I am ſure ſhe is the perſon, I am quite confident ſhe is the perſon.

Q. Are

Q. Are you quite ſure of it?—*A.* I am quite confident of it.

Q. Was ſhe dreſſed then as ſhe is now?—*A.* No, ſhe is not; I know her by her perſon, I am quite confident ſhe is the perſon.

Q. You have no doubt at all about it?—*A.* None.

Q. *(To Mrs. Bailey.)* Did you take particular notice of her?—*A.* Yes; when ſhe took the lodging, when ſhe agreed for the lodging, when ſhe ſat in the kitchen, at five o'clock, and when ſhe went out of the houſe, at the top of the kitchen ſtairs, ſhe was dreſſed in a cotton gown and petticoat, a large pattern; I could as poſitively ſwear to her, as I could to any of my own children.

Q. You ſaw her again in St. Martin's-lane?—*A.* Yes; and I knew her again immediately, and ſhe knew me, for ſhe ran up the court immediately, I was confident to her face.

Croſs-examined by Mr. Peat. Q. How long was it before you ſaw this perſon again?—*A.* The 29th of November, when my miſtreſs ſent for me to Bow-ſtreet.

Q. Then you have told his Lordſhip, that you are very confident ſhe is the woman?—*A.* Yes.

Q. Though you had never ſeen her before ſhe came to the houſe?—*A.* Yes.

Q. I ſuppoſe you would have known her if you had met her in a hop-garden in Kent, or in Cork, or any where elſe?—*A.* Yes.

Q. And if none of the things had been taken out of the houſe, you would have known her I ſuppoſe?—*A.* Yes.

Q. You are quite ſure of that?—*A.* Yes.

Q. You had a great deal of converſation with your miſtreſs about this being a man in woman's clothes?—*A.* I had none; I have heard it ſpoken of, but not to ſay poſitively.

Q. Was it ſpoke of in the hearing of any other perſon?—*A.* Not that I know of.

JOHN ACKLAM *ſworn.*—I am ſhopman to Mr. Salkeld, pawnbroker, the corner of Bedford-ſtreet, in the Strand: I cannot ſay poſitively that I ever ſaw the priſoner before, it is like the woman that I took in a pair of ſheets and a counterpane of, on the 16th of November, at near ſix o'clock in the evening; to the beſt of my belief it was the priſoner, but I cannot ſwear to her.

Q. Was it a man or a woman?—*A.* A woman.

Q. Had you any occaſion, after ſhe had been there, to bring it back to your remembrance?—*A.* When Mrs. Bailey called upon me, I did not exactly recollect, till I came to look the things over in the evening.

Q. How was the perſon that brought the things to you dreſt?—*A.* She was dreſt very genteel, ſhe had no cloak on, ſhe was a talliſh woman.

Q. Pale-faced, or how?—*A.* I cannot exactly ſay.

Q. Had ſhe ſilk or ſatin, or what on?—*A.* I cannot ſay.

Q. Had you ever ſeen her before to your knowledge?—*A.* No.

Q. You will not venture to ſwear to her, but to the beſt of your belief, ſhe is the perſon?—*A.* Yes.

Q. Did ſhe pawn it or ſell it to you?—*A.* She pawned it for a guinea.

Croſs-examined by Mr. Peat. Q. It was about ſix o'clock you ſay, that ſome perſon came with theſe things to pawn?—*A.* Yes.

Q. Perſons generally ſtand under cover, you have not a very accurate view of them?—*A.* It was candle-light.

Q. In whoſe name did ſhe pawn them?—*A.* In the name of Sarah Bailey. *(The things were produced, and depoſed to by Mrs. Bailey).*

Priſoner's defence. I am not at all guilty. I was going along St. Martin's lane, the proſecutrix met me, and aſked me if I did not know her, I told her, no, I did not; ſhe ſaid I was in diſguiſe, and was a man dreſſed in woman's clothes.

Mr. Peat. (To Mrs. Bailey). Q. Did you ſend any body into the gaol to look at the priſoner?—*A.* No, I did not.

For the Priſoner.

MARY NOWLAND *ſworn.* — *Examined by Mr. Peat.* I live in King-ſtreet, Bloomſbury, No 60; my mother is very ill in bed and could not come: On the 16th of November, I was in company with the priſoner at my mother's, before twelve o'clock and till three.

Q. Were you in the ſame room for all that time?—*A.* Not all the time; I was in the room from twelve to near one; I went out and came in again at near three, and met her coming out of my mother's room; ſhe told me ſhe had been with my mother all the time.

Q. She did not tell you where ſhe was going?—*A.* No.

Croſs-examined by the Court. Q. What part of the houſe was your mother in?—*A.* Below ſtairs in the front parlour.

Q. What is your mother?—*A.* A milk-woman.

Q. Do you live with your mother?—*A.* Yes.

Q. Are you of any profeſſion or occupation?—*A.* I mind my mother's buſineſs.

Q. Do you mean that you ſell milk for her—do you carry milk about?—*A.* Yes.

Q. Your mother is ſo ill that ſhe cannot attend?—*A.* We do not expect her life a day.

Q. How long have you known the priſoner at the bar?—*A.* Almoſt fourteen years.

Q. Has ſhe conſtantly been in the habit of coming to your houſe all that time?—*A.* Yes.

Q. What

Q. What is ſhe?—*A.* A ſervant.

Q. Was ſhe ſo on the 16th of November?—*A.* No; ſhe was not in place.

Q. Do you know what ſhe came to your mother for?—*A.* To ſee my mother.

Q. Where had ſhe lived, the laſt place, before the 16th of November?—*A.* Some place in the city, I believe, I really do not know.

Q. Has ſhe been in place ſince?—*A.* No.

Q. Have you ſeen her between the 16th and 29th?—*A.* Yes; ſhe was twice at our houſe to ſee my mother.

Q. Where did ſhe live?—*A.* I really do not know where ſhe lived.

Q. Then you have not heard from her where ſhe lived?—*A.* No.

Q. Do you know what countrywoman ſhe is?—*A.* She is an Hibernian.

Q. Are you of that country?—*A.* Yes.

Q. Can you tell what place ſhe has been in in the city?—*A.* I cannot tell.

Q. Do you know any place ſhe has ever lived in in the city?—*A.* I forget the name, and the number, it was in Finſbury-ſquare.

Q. How long has ſhe left that place?—*A.* I do not know the length of time.

Q. Have you ſeen her often before the 16th of November?—*A.* Yes; I have ſeen her twice from the middle of October to the 16th of November.

Q. What induced you to remark the 16th of November?—*A.* That day week, which was Lord-Mayor's-day, a ſiſter of mine was married; Mrs. Gill was aſking after my ſiſter, and I told her that day week ſhe was married.

Q. What day of the week was it?—*A.* Thurſday.

Q. When did you firſt hear of the priſoner being taken up?—*A.* This day week, I think it was.

Q. When did you firſt recollect that you had ſeen the priſoner on the 16th of November?—*A.* It was mentioned that that was the day that the proſecutor ſpoke to—

Q. Who mentioned it to you?—*A.* My uncle, one Mr. Creevy, he is here preſent.

Q. How did he know?—*A.* Mrs. Gill ſent for him.

ELIZABETH ONION *ſworn.—Examined by Mr. Peat.* I live ſervant with Mrs. Nowland, No. 60, King-ſtreet; I went to live with her, the 12th of November; I ſaw the priſoner, on the 16th, at my miſtreſs's houſe; ſhe came there rather before twelve; I came away at almoſt two o'clock, about my miſtreſs's buſineſs, and ſhe had been there all that time; I was in and out all that time; when I had done my buſineſs, it was about three o'clock, the priſoner was there then, and ſhe ſent me of an errand for a French gentleman, but I do not know what that errand was.

Q. How long were you gone?—*A.* Not long, it was juſt by King-ſtreet. Mrs. Gill went away a little after three; I never ſaw her before, I am ſure ſhe is the ſame woman; ſhe was dreſſed in a large pattern gown.

Croſs-examined by the Court. Q. Was this large pattern gown a ſatin or a ſilk gown?—*A.* It was a linen gown, and ſhe had a black bonnet on.

Q. Any veil?—*A.* No.

Q. A feather?—*A.* No.

Q. Where was it that Mrs. Gill ſent you?—*A.* Juſt by Red-lion-ſquare, I cannot think of the name of the ſtreet, it was No. 1, as you go through Orange-ſtreet, and turn to the left hand; I cannot tell the name of the people of the houſe, nor the name of the French gentleman.

Q. How old are you?—*A.* Sixteen.

Q. Can you write?—*A.* No.

Q. Can you read?—*A.* No.

Q. What day of the month is this?—*A.* I cannot rightly tell.

Q. Then how did you know that was the 16th of November?—*A.* Becauſe my young miſtreſs was married on Lord-Mayor's day, that was before I lived there; but my miſtreſs told me of it.

Q. What month is this?—*A.* This is *November*, I believe.

Q. What month will the next be?—*A.* December.

Q. And what was the month before November?—*A.* October.

Q. When did you firſt hear that the priſoner was taken up?—*A.* My young miſtreſs told me of it, but I cannot recollect what day of the month it was that ſhe told me of it.

Q. Who told you it was the 16th that ſhe came there?—*A.* I heard my young miſtreſs talking about it, and I aſked if that was Mrs. Gill, and ſhe ſaid, yes.

Q. When was it you heard her talking about it?—*A.* Laſt Thurſday, that was the firſt I heard of her being taken up.

Q. If laſt Thurſday was the firſt day that you knew of her being taken up, how came you to remember that it was the 16th that ſhe was at your houſe?—*A.* I recollected it very well.

Q. Did nobody tell you to recollect it?—*A.* No.

MARY CROW *ſworn.—Examined by Mr. Peat.* I did live at No. 1, Lumber-court, I have left it about a fortnight.

Q. Did you ever ſee the priſoner at the bar there?—*A.* Yes; very often; I ſaw her there on the 16th of November, between four and five in the afternoon; ſhe remained with me from that time till between nine and ten the next morning, excepting while I went of a little errand, and I ſuppoſe I was not gone a moment; I have known her ever ſince laſt June, ſhe is a ſervant.

Croſs-

Croſs-examined by the Court. Q. Have you frequently ſeen her during the courſe of the time you have known her?—*A.* I have been with her and her huſband, and my huſband, between three and four months, on board a ſhip, the Montague, of 74 guns, ſhe laid at the Nore at that time, and we ſailed round to Spithead in her.

Q. When did you leave London to go to the Nore?—*A.* I cannot tell the day, it was in June, but I cannot rightly tell what part of June, ſhe went on board one day, and I the next.

Q. How long were you on board ſhip?—*A.* Between three and four months, till October; at Spithead the ſhip was put into dock, and we were put into a hulk, and continued there about five weeks, and then we were put on board our own ſhip again, but we only ſtaid while they took in ſtores, and then the women were turned adrift; I was put on ſhore one day, and ſhe the next; I came home, and ſhe called upon me in Lumber-court, about a week after ſhe came home.

MARY HANDY *ſworn.—Examined by Mr. Peat.* On the 16th of November, I lived at No. 1, Lumber-court, I lodged with Mary Crow, the priſoner came there that day, it might be between four and five o'clock, I do not think it was ſo late as five; I was in company with her and Mrs. Crow all night, Mrs. Gill ſlept with me, I was not from her above five minutes, while I got ſome potatoes for ſupper; I am ſure it was the 16th of November, becauſe I have money coming in weekly, and I am obliged always to write the day of the month to it, and ſign my hand; I lodge with Mrs. Crow, and take in nurſe children.

THOMAS SIMPSON *ſworn.*—I am ſervant to Mr. Kirby; I know no further than this, that there have been ſeveral perſons to ſee her in jail, and have ſaid that ſhe was not the perſon that robbed them, though ſhe was very much like her.

The priſoner called four other witneſſes, who gave her a good character.

GUILTY (Aged 43.)

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice GROSE.

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22. ROBERT PENN, alias FISH, and RACHEL PENN, alias FISH, were indicted, the firſt for feloniouſly ſtealing, on the 27th of September, two pieces of linen cloth, value 59s. ſeven yards of nankeen, value 9s. two remnants of muſlin, value 3s. 6d. three cotton handkerchiefs, value 4s. a muſlin cravat, value 5s. thirteen yards of printed cotton, value 27s. ſix yards of gingham, value 12s. and two yards and a half of white cotton, value 1s. 6d. the property of Joſeph Bulmer, in his dwelling-houſe; and Rachel Penn, for receiving the ſame goods knowing them to be ſtolen.

(The caſe was opened by Mr. Conſt).

JOSEPH BULMER *ſworn.—Examined by Mr. Conſt.* I am a linen-draper, No. 144, Whitechapel: The priſoner was my ſervant five months, he came to me either the latter end of June or beginning of July, he came to me as a ſingle man, and boarded and lodged in my houſe.

Q. Did you apprehend he had any other habitation?—*A.* None whatever; he left me this day week; laſt Thurſday I went into the country; on the 20th I had miſſed ſeveral things but did not ſuſpect him; after ſome time I had occaſion to ſuſpect him, and I applied for a warrant to go to No. 10, Artillery-ſtreet, the houſe of Mrs. Barry, he went there by the name of Fiſh, two Police-officers went with me; I found a large trunk of things, all of which came out of my ſhop, and ſome of which, I can poſitively ſwear to be my property; I found alſo, between eighty and ninety pounds, in money and Bank-notes; and I know, when he came to me, he was not worth a groat; he was in great diſtreſs, and was recommended to me as an object of charity; the things are here.

EDWARD SMITH *ſworn.—Examined by Mr. Conſt.* I am a Police-officer: I went with Mr. Bulmer to execute a ſearch-warrant at the houſe of Mrs. Barry, No. 10, Artillery-ſtreet, I went up two pair of ſtairs.

Q. Did you, during the time you ſtaid there, ſee the priſoner at all?—*A.* I did; when I went up ſtairs, Mrs. Penn was ſitting by the fire; when I communicated to her our buſineſs, ſhe ſeemed very much alarmed, indeed; this trunk was ſtanding by the window, I aſked her for the key; ſhe ſaid her huſband had got the key, and he was out, and deſired us to wait till he returned, before we ſearched the room; I took the poker, and by force, broke open this trunk, and in it was moſt of thoſe things that are here.

Q. How many articles have you put in ſince?—*A.* This gown, and a gown that Mrs. Penn had on her back; this gown, I believe, lay on the bed; I put all the property into the trunk; Mr. Penn then came home, and I took hold of him, and ſecured him; ſhe exclaimed, my dear Mr. Penn, what ſhall I do; he was then taken to the office for examination.

Q. Coomes was the other officer?—*A.* Yes.

Q. He knows nothing more than you do?—*A.* No.

Croſs-examined by Mr. Gurney. Q. You ſay this young man ſeemed very much alarmed?—*A.* Yes.

Q. It is not at all unlikely that any perſon may be alarmed at two Police-officers coming with a ſearch-warrant?—*A.* No.

Bulmer. This piece of linen I can ſwear poſitively to, there is my own hand-writing upon it.

Q. What is the value of that?—*A.* Two pounds ſixteen ſhillings it coſt me; I left London on the 20th of laſt month, and I then had ſeen this piece, it is a remarkable piece, it is much cheaper than any of the others; on my return, on the 27th, I miſſed this along with ſome others; here are ſome handkerchiefs that have got my ſhop-mark upon them; and a piece of nankeen which has my ſhop-mark in my own hand; and the fag-end of this gown has my own mark upon it; and the neck-cloth.

Q. Did you permit him, while he was with you, to deal in any thing of this ſort?—*A.* Nothing.

Croſs-examined by Mr. Gurney. Q. I believe you keep one ſhop in Margate, and another in London?—*A.* Yes.

Q. A conſiderable part of the ſummer you were at Margate?—*A.* Yes.

Q. All you know about theſe things are, that they were in your ſhop at ſome time or other?—*A.* I ſwear that this piece of Iriſh has been ſtolen out of my ſhop.

Q. Will you ſwear that was not ſtolen out of your ſhop in your abſence?—*A.* I will; I have examined my books.

Q. Will you venture to ſwear, that in you abſence, it has been the uniform conduct to put down every article in the hurry of buſineſs?—*A.* We do not put down every quarter of a yard, but they are put down ſundries; and I have looked, and there is not twenty ſhillings in ſundries put down.

FRANCES BARRY *ſworn.—Examined by Mr. Conſt.* I live at No. 10, Artillery-ſtreet: The priſoner came to lodge with me about the beginning of Auguſt; the young woman took the lodgings, I did not ſee the young man for two days; ſhe took them in the name of Fiſh.

Q. Did ſhe bring any goods with her, or any property?—*A.* Nothing but what ſhe brought in an handkerchief; the trunk had been about ſix or ſeven weeks in the houſe.

Q. Do you know whether it was full or empty?—*A.* I have reaſon to think it came from the trunk-maker's ſhop to our houſe; after that, this young man frequently came of an evening, and at two, three, and four o'clock, on Sunday mornings; ſhe made up this gown while ſhe was in my houſe.

Mr. Gurney. Q. You believed them to be man and wife; they cohabited together as man and wife?—*A.* Yes.

Robert Penn's defence. Mr. Bulmer intruſted me, in his abſence, for five months; during which time I did him juſtice, as a ſervant ought to do.

Rachel Penn's defence. I leave it to my Counſel; I am innocent of the charge that I am accuſed of.

SAMUEL GRATEY *ſworn.—Examined by Mr. Gurney.* I was with Mr. Bulmer ſix weeks or two months, I was there part of the time Mr. Penn was there; the whole of the buſineſs lay upon me and the priſoner at the bar.

Q. In the hurry of buſineſs, do you know whether, in point of fact, every article ſold is entered in the books?—*A.* There may be quarters and half quarters not entered in the book, but any thing that may be a ſhilling, or ſo, be entered in the book.

Q. Are you able to ſwear that every article, of a larger price, was entered in the book, in the hurry of buſineſs?—*A.* I cannot.

Q. Have you ever known the priſoner himſelf purchaſe any articles in the ſhop?—*A.* No.

Q. Did you ever know him pay any money for goods?—*A.* I never ſaw him put any thing into the till.

The priſoner called two witneſſes, who gave him a good character.

Robert Penn, GUILTY *Death.* (Aged 20.)
Rachel Penn, NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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23. WILLIAM SMITH, otherwiſe FLINT, EDWARD REYNOLDS, and STEPHEN REYNOLDS were indicted for feloniouſly ſtealing, on the 2d of September, four cows, value 40l. the property of Richard Waghorn.

(The caſe was opened by Mr. Conſt.)

RICHARD WAGHORN *ſworn.—Examined by Mr. Conſt.* I am a farmer, at Harefield; I loſt four cows, on Saturday the 2d of September, my boy ſaw them on the moor; I went down on Sunday to fetch them home, and could not find them.

Q. How ſoon afterwards did you ſee them?—*A.* On the Monday morning I was perſuaded to go to Barnet-fair, but they were not there; about the 16th I had a letter from Malden, in Eſſex, and I went to Chelmsford to enquire for them; Mr. Purnell, keeper of the jail at Chelmsford, gave me ſome information, in conſequence of which, I went to Edmonton; on Monday the 18th, I found one that Mr. Purnell had put in the poſſeſſion of a conſtable, that was one of the cows that I had loſt; the others I found at Chingford-hall, at a Mr. Penton's, at graſs; I do not know who put them to graſs; I am ſure they were all my cows.

Croſs-examined by Mr. Knowlys. (Counſel for Stephen Reynolds.) Q. The cows you loſt were put upon Harefield moor?—*A.* Yes; about ſeventeen miles from London.

Q. On the Uxbridge road?—*A.* Yes.

Q. How late, on the 2d of September, had you ſeen them?—*A.* I had not ſeen them myſelf.

Q. How early did you ſend your boy to look for them?—*A.* About eight or nine o'clock.

ROBERT

ROBERT PURNELL *ſworn.—Examined by Mr. Conſt.* I am the keeper of Chelmsford jail.

Q. You knew, from advertiſments, that ſome cows of Mr. Waghorn's had been loſt?—*A.* Yes; in conſequence of which, I gave him ſome information; I went to apprehend the parties who were ſuſpected to have got the property, at Edmonton, with a warrant granted by the Reverend Henry Bate Dudley; I apprehended Stephen Reynolds, and a man of the name of Flint, alias Smith, on Saturday the 16th of September, and on the Sunday morning, I went to Stephen Reynolds's, at Edmonton, and I found in a field of his a quantity of cows, and ſome horſes; I applied to a Magiſtrate to know what I ſhould do; and he ordered me to deliver three cows, that I ſuſpected, into the hands of William Goddard, the conſtable; I did deliver them, and when I got home to Chelmsford, on the Monday, Mr. Waghorn applied to me to give him ſome information, if I could, reſpecting it; one of the cows that I had delivered into the hands of the conſtable anſwered the deſcription, and I ſent Mr. Waghorn to the conſtable to look at his property; a perſon from Reynolds's houſe went to ſhew me the field.

Croſs-examined by Mr. Alley. (Counſel for Stephen Reynolds.) *Q.* You found theſe cows in a field?—*A.* Yes.

Q. Not adjoining to the houſe?—*A.* No.

Q. You do not know, of your own knowledge, that that field belonged to Stephen Reynolds?—*A.* No.

Q. The other Reynolds was diſcharged by the Magiſtrate?—*A.* I do not know any think of that.

WILLIAM GODDARD *ſworn.—Examined by Mr. Conſt.* I am a conſtable, at Bury-ſtreet, Edmonton: Mr. Purnell came to Edmonton, on the Thurſday, and gave me charge of ſix cows, that were alive, in the field of one Mr. Robert Jones, and one that was dead, had dropped a calf in the cow-houſe.

Q. Who owned them there?—*A.* The firſt cow was owned by Mr. Waghorn, of Harefield, it was a brindled one; Stephen Reynolds had the aftergraſs of the field.

Q. Do you know that?—*A.* Yes.

Mr. Knowlys. Q. Upon your oath do you know that fact?—*A.* I know that the ſervant of Mr. Robert Jones told me ſo.

JOHN MARKS *ſworn.—Examined by Mr. Conſt.* I live at Edmonton, I am a labouring man: I know Stephen Reynolds, and Flint; I ſaw Flint with a parcel of cows on the 3d of September, they were at Edmonton, over againſt the Angel.

Q. Do you remember a brindled cow among them?—*A.* I believe ſo; there were ſome black, ſome red, and ſome all colours.

Q. Do you know that cow that Mr. Waghorn has taken away?—*A.* Yes.

Q. Can you ſay whether you ſaw that among them?—*A.* Yes, I can.

Court. Q. Are you ſure you ſaw that cow?—*A.* Yes; I bought a cow that has been taken away ſince.

Croſs-examined by Mr. Knapp. (Counſel for Flint.) *Q.* The cows you ſaw were all colours?—*A.* Yes; there were ſome black, and ſome brindled.

Q. Were there more than one brindled?—*A.* I do not know.

Q. Are you not a mik-man?—*A.* No; I carry milk about for a widow woman.

Q. And, of courſe, you are paid for carrying milk about?—*A.* Yes.

Q. Is not Stephen Reynolds a milk-man?—*A.* Yes.

Q. Have you had any converſation about this buſineſs ſince the priſoner has been in cuſtody?——*A.* No, none at all.

Q. Do you know whether there is any reward in this caſe?—*A.* I do not know.

Q. You never heard?—*A.* No.

Q. You never made uſe of any expreſſions at all to any body?—*A.* No.

Q. You never had an anxiety, or wiſh, to get a milk-walk of either of the priſoners?—*A.* No; I never expected it.

Q. Nor you never ſaid it would be a good thing to get it?—*A.* No; I do not think it would be a good thing.

Court. Q. Did you, yourſelf, ſee the cows in the poſſeſſion of any of the priſoners?—*A.* I ſaw Flint driving the cows, over by the Angel, at Edmonton, at ſix o'clock in the morning.

Court. Q. I took you, that you ſaid, you ſaw on the Sunday morning, the two Reynolds's, and Flint, driving the cows?—*A.* No, I did not ſee the Reynolds's.

Court. Q. Where do they live?—*A.* Stephen Reynolds, and Flint, lived at Edmonton; I do not know where the other lived.

Smith's defence. I did aſſiſt in driving this cattle to Galley-wood Common, to aſſiſt Reynolds; as to the other part of the buſineſs I know nothing about it.

Edward Reynolds's defence. Flint, and my brother brought the cows to me; I know nothing at all of it.

Court. (To Goddard.) Q. Do you know whether Stephen Reynolds had any thing to do with that cow-houſe?—*A.* It was under his roof; the field is four hundred yards from there; he had the field, from the hay going off the field to New Michaelmas-day; I was ordered, by a relation of Stephen Reynolds's, to clear Mr. Jones's field againſt the 30th of September, otherwiſe Robert Jones would bring another quarter's rent on; at that time, I ſaw eight cows there, of which, he milked four, and two were dry.

Q. Did

Q. Did you ſee him milk them?—*A.* No; the cows were milked by a woman that Reynolds employed.

Q. How do you know that?—*A.* She ſaid ſo; I have ſeen her go about with milk for Reynolds; I gave her leave to milk the cows, after Mr. Purnell had given me charge of them.

Q. Who had the property of the milk?—*A.* Stephen Reynolds's wife, I believe; ſhe was very well known to carry Stephen Reynolds's milk.

Q. You do not know that ſhe was employed by Reynolds?—*A.* No.

Q. Have you ever ſeen her employed by him?—*A.* No.

Q. You know nothing about the field but what Jones's ſervant told you?—*A.* No.

Stephen Reynolds. I leave my defence to my Counſel.

Q. *(To Waghorn.)* What diſtance is it from Edmonton to Harefield?—*A.* I cannot ſay; I was nine hours driving them home, one cow was with calf; I think it muſt be between twenty and thirty miles.

W. Smith, alias Flint, GUILTY Death. (Aged 60.)
Edward Reynolds, NOT GUILTY.
Stephen Reynolds, NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. Juſtice GROSE.

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24. They all three ſtood again indicted for feloniouſly ſtealing, on the 2d of September, a cow, value 10l. and two heifers, value 16l. the property of George Calvert, Eſq.

There being no evidence to affect the priſoners, they were

ACQUITTED.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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25. WILLIAM BAINES was indicted for feloniouſly ſtealing, on the 20th of November, in the dwelling-houſe of Stephen Franque, four linen ſhirts, value 20s. ſix muſlin handkerchiefs, value 8s. ſix linen pocket-handkerchiefs, value 6s. one pair of ſilver ſhoe-buckles, value 10s. and two Bank-notes, each of the value of 5l. the property the ſaid Stephen.

STEPHEN FRANQUE *ſworn.*—I am a native of France; I have no particular profeſſion; I lodge at No. 38, Poland-ſtreet; there is one other lodger beſides me, a gentleman and his wife; I pay my rent to them.

Q. Are they in poſſeſſion of the whole houſe?—*A.* They are.

Q. What are their names?—*A.* Davidge. On the 22d of November, the priſoner had been employed in the houſe where I lived as a painter; he had been about a week in my houſe at different times; I found I was robbed of two 5l. notes, four ſhirts, three of them had never been wet, about ſix neckerchiefs, I cannot ſay exactly, about half a dozen pocket-handkerchiefs, and a pair of ſilver ſhoe-buckles, and theſe were, except the buckles, in a book-caſe locked; as ſoon as I was robbed, I informed the maſter of the houſe, and they were all very much ſurpriſed, and ſaid, they could not ſuſpect any body but the priſoner, who had been employed in that room; I miſſed them on the 22d of November; on the Friday after, I got a ſearch-warrant, and went to Baines's houſe, he was not there, but I ſaw his wife; I found three muſlin neck-handkerchiefs with my mark, and one ſcratched out.

Q. Had he a whole houſe, or only lodgings?—*A.* His wife told us he had the whole houſe; Mr. Hamilton was with me.

Croſs-examined by Mr. Knapp. You have loſt two bank-notes of 5l. and theſe pocket-handkerchiefs and ſilver ſhoe buckles?—*A.* Yes.

Q. How long have you been in this country?—*A.* Since the 23d of July, ſeven years.

Q. You live upon your means only?—*A.* I teach the French language, but I live moſtly upon remittances from France.

Q. The remittances, I take it, are not ſent in Bank-notes into this country?—*A.* No.

Q. How many people were at work in this houſe beſides this painter?—*A.* I cannot ſay.

Q. More than he?—*A.* The laſt week there was only him.

Q. How many bricklayers were employed about the houſe?—*A.* Two, I believe, a long while ago, I had loſt nothing at that time.

Q. Was any body elſe employed about the houſe at that time?—*A.* One carpenter; I have ſeen one, but he has never been by himſelf.

Q. Nor any other painter employed in any other part of the houſe?—*A.* I cannot ſay.

Q. Was not the houſe in a ſtate of repair?—*A.* Yes.

Q. Were there not different workmen about the houſe at that time?—*A.* Before I loſt my property.

Q. How long before the 22d had you ſeen it?—*A.* Three or four days before I had the Bank-notes.

Q. How long before had you ſeen the handkerchiefs?—*A.* I miſſed the Bank-notes on Wedneſday, ſo I looked if I had loſt any thing elſe, and the ſame day, I miſſed the neckerchiefs.

Q. The 22d was the firſt day that you miſſed them, but you had not ſeen any of the articles for four or five days before?—*A.* I had not taken notice of them.

Q. Will you ſwear that you had not ſeen them within a week or ten days?—*A.* I have ſeen my property

property, without counting them over, to ſee whether they were all there; I miſſed the Bank-notes, and then I looked if I had loſt any thing elſe.

Q. When you went to this houſe, and ſaw a perſon you ſuppoſed to be Mrs. Baines, did not you know that ſhe was a perſon who took in waſhing?—*A.* No; I did not know it.

Q. Did you not ſee a mangle there?—*A.* Yes.

Q. You went and ſearched this houſe, and found the handkerchiefs, in the priſoner's abſence?—*A.* Yes.

Q. You went before the Juſtice the next day?—*A.* The ſame afternoon.

Q. Did not the priſoner come voluntarily to ſurrender himſelf, though he knew that you had ſearched the houſe?—*A.* Yes.

SAMUEL HAMILTON *ſworn.*—I am an officer: *(Produces two muſlin handkerchiefs and a cambric handkerchief);* I found theſe, in conſequence of a ſearch-warrant, at the priſoner's houſe, on Friday, the 24th of November; the priſoner's name was wrote on the door, "William Baines, Painter;" I ſaw a woman, who repreſented herſelf as the wife of the priſoner; the front room is a chandler's ſhop, the back room they ſleep in; the other parts of the houſe are let to lodgers; in a box, under the counter in the ſhop, the proſecutor being by the ſide of me, obſerved this handkerchief, and ſaid, that is mine; I ſaid, before he opened it, what ſhould he know it by; there will be holes in the middle, ſays he, finely darned, the letter F in blue, and the appearance of a ſecond letter ſcratched out; theſe were the words he made uſe of at the moment.

Q. Are you ſure he ſaid finely darned?—*A.* Yes.

Q. Was this box locked, or open?—*A.* I think it was open; the woman was ſtanding by at the time; in another box, in the back room, which ſtood under the table, I found this cravat, marked with the letter F in blue; Mr. Franque ſaid, all his things were marked with the letter F in blue; in a baſket, in the ſame room, I found this neck handkerchief; the proſecutor claimed it, and ſaid, he knew it by it's quality; there is no mark about it, but the appearance of it's being freſh hemmed; he had others which correſponded with it, in his pocket; I have had them ever ſince.

Croſs-examined by Mr. Knapp. Q. The priſoner was not at home?—*A.* No.

Q. Of courſe you did not apprehend him?—*A.* Not myſelf.

Q. He came to the office voluntarily next morning?—*A.* I ſaw him there, he had been firſt, I believe, to the proſecutor, his wife being in cuſtody.

Q. One handkerchief was in the open ſhop, in a baſket under the counter?—*A.* In a box.

Q. Do you know whether Mrs. Baines was a waſher-woman?—*A.* I underſtand ſhe took in mangling. *(They were depoſed to by the proſecutor).*

Mr. Knapp. (To Franque). Q. How long had you been in poſſeſſion of theſe handkerchiefs?—*A.* I cannot ſay exactly, perhaps theſe four or five years, and this about a year.

Q. The letter F would do for any other perſon's name as well as your's?—*A.* Yes; but there were two initial letters to my linen; I did not like two letters, and I ſcratched one out, and there is a mark of it being ſcratched out.

The priſoner left his defence to his counſel.

For the Priſoner.

MARY ASSITER *ſworn.*—*Examined by Mr. Knapp.* I am a ſervant out of place.

Q. Look at theſe handkerchiefs, and tell me if you know either of them?—*A.* I can ſwear to this handkerchief.

Court. (To Franque.) Q. Is that the one that appeared newly hemmed?—*A.* Yes.

Aſſiter. I hemmed it for Mrs. Baines on the Wedneſday following, the 14th of September; I know it by the looſe threads that are left out, I can ſwear to my mark.

Court. Q. When did you laſt ſee that handkerchief before to day?—*A.* Not ſince, to my knowledge.

Q. Do you live, at this time, with Mrs. Baines?—*A.* No, I do not.

Q. How came you here to day?—*A.* I came here to ſpeak what I knew.

Q. Did you receive any ſubpœna, or come at the requeſt of any body?—*A.* I came here as a witneſs.

Q. Who deſired you to come as a witneſs?—*A.* I had a ſubpœna.

Q. Where is your ſubpœna?—*A.* I have not it with me.

Q. Has any body ſaid any thing to you about this handkerchief, between the month of September and the preſent time?—*A.* Since this affair happened, Mrs. Baines ſpoke to me about it, ſhe aſked me, if I remembered the handkerchief that I hemmed; I told her, yes, I did.

The priſoner called four other witneſſes, who gave him an excellent character.

GUILTY of ſtealing only. (Aged 45.)

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury, before Mr. RECORDER.

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26. JOHN SETON was indicted for feloniouſly ſtealing, on the 6th of December, a live tame cock, value 1s. and eleven live tame hens, value 11s. the property of the Rev. Moſes Dodd.

(The

(The caſe was opened by Mr. Knowlys.)

The Rev. MOSES DODD *ſworn*.—I am a clergyman, I live at Hanwell, in the county of Middleſex: On Wedneſday night laſt, between eleven and twelve o'clock, I went out into my garden, and heard the noiſe of beating the wood in a farm yard adjoining my garden; I went to that part of the garden next to the farm yard, and there I perceived the beating of wood, and the fluttering of fowls; I went into the houſe, and called my ſervant; I deſired him to go round to the farm yard, and at a ſignal we had both agreed upon, we were both to meet in the farm yard; we did ſo, and there we found this man ſtanding on the wood that had been put into the houſe to dry; we took him, and I afterwards took a lanthorn to the houſe, where I found nine of the fowls dead, and the next morning there were three others found.

Court. *Q.* Did they appear to be recently killed?—*A.* Yes, they were warm; I ſent for Wild, the conſtable of the pariſh, and ſecured him; I charged him with it, and he told me, that what he had done, was through diſtreſſed circumſtances, and I told him I was very ſorry for it; I thought from that he had a very large family, but on enquiry, I find he has but one child.

SAMUEL ATKINSON *ſworn*.—I am ſervant to Mr. Dodd; laſt Wedneſday night, the 6th of December, about half-paſt eleven, my maſter was walking in the garden, and heard a noiſe; I went immediately down to the gate where the noiſe was, and I went round to where the poultry rooſted, there I found the priſoner ſtanding upon the wood, in the ſame out-houſe that the poultry rooſted in, and the poultry were lying there dead and warm; I aſked the man his buſineſs there, and he ſaid, he came there to lay down, I did not hear him ſay any thing elſe.

Q. Were they all hens?—*A.* No; eleven hens, and a cock.

Q. Tame poultry?—*A.* Yes.

Court. *Q.* Had you known the priſoner before this?—*A.* Yes.

Court. *Q.* Did he live in the neighbourhood?—*A.* No, he did not, he lived at Paddington.

Priſoner's defence. I was going to Watford, and I went that road, and went in there to ſleep.

GUILTY (Aged 46.)

Confined twelve months in the Houſe of Correction, publicly whipped, and diſcharged.

Tried by the firſt Middleſex Jury, before Mr. Baron PERRYN.

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27. RICHARD SIBBORNE was indicted for feloniouſly ſtealing, on the 31ſt of October, an iron coulter of a plough, value 3s. the property of Richard Sims.

There being no vidence to affect the priſoner, he was ACQUITTED.

Tried by the firſt Middleſex Jury, before Mr. Juſtice GROSE.

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28. WILLIAM WADE was indicted for, that he, on the 3d of December, in and upon William Barclay, in the King's highway, did make an aſſault, putting him in fear and danger of his life, and taking from his perſon a ſteel watch chain, value 12d. a metal ſeal, value 6d. and a metal watch key, value 6d. the property of the ſaid William.

WILLIAM BARCLAY *ſworn*.—Laſt Saturday, I was ſpending the evening at St. Ann's, with a few friends, I ſtaid later than uſual, and I went to a watering-houſe, in Spur-ſtreet, with the beadle of St. Ann's; I was in the bar, and ſaw the priſoner in the tap-room, I do not known the ſign of the houſe, it is kept by Mr. Manning, he ſpoke to me acroſs the bar door, I had never ſeen him before; I did not like the look of him, and I made him no anſwer; about an hour after that, the landlord told me he wanted to go to bed; I went away between three and four, and being a fine moon-light morning, I went through Sydney's-alley, and down to Charing-croſs; I thought, between ſix and ſeven, I ſhould be able to get into my lodgings, the people would be up, I live in Wardour-ſtreet; when I got to the middle part of Whitcomb-ſtreet, there is a gate-way, called the Nag's-head; the priſoner came out from the corner, and hit me a violent blow on the mouth; I fell down, and as I was falling, he made a violent ſnatch at the chain of my watch; it being a moon-light morning, I ſaw that it was the ſame man I had ſeen at Mr. Manning's; I concluded from the ſnatch, that my watch was gone, I got up as quick as poſſible, he ran away as faſt as he could, I cried out, ſtop thief, he ran up James-ſtreet, which is the firſt turning on the left-hand; I followed him by the ſound of his running, the morning was very ſtill; I followed him through Oxendon ſtreet, at the corner of Panton-ſtreet, two watchmen ſtopped him; I immediately came up, and ſaid, that is the man that robbed me of my watch, this might be about three minutes from the time he knocked me down, till he was taken to St. Martin's watch-houſe; when I came to recollect myſelf, I was very much frightened, I put my hand down, and found the watch in my fob; I had loſt a ſteel chain and a ſeal, and the key that is mentioned in the indictment; the next morning, about ſeven o'clock, the ſame chain that I had to my watch, was found by a little boy, who picked it up cloſe to the place where he knocked me down.

Q. Were you drunk or ſober?—*A.* I had been drinking

drinking the fore part of the evening, but at that time, from walking about, I was perfectly ſober, and knew what I was about.

Q. Are you ſure the priſoner at the bar was the man?—*A.* I am ſure he is the man; I knew him when he knocked me down to be the ſame man I had ſeen at the watering-houſe.

CHARLES READY *ſworn.*—I am a watchman; at half-paſt five o'clock laſt Sunday morning, my brother watchman and I were talking at the corner of Panton-ſtreet, we heard a man halloa out, two or three times, ſtop thief, immediately upon that, we ſaw the priſoner running out of James-ſtreet, up Oxendon-ſtreet, the priſoner himſelf called out, ſtop thief, as well as the proſecutor; we laid hold of him, and the proſecutor charged him with knocking him down and robbing him of his watch; he was ſearched at the watch-houſe, but no watch or any thing found upon him.

WILLIAM GROUNDLAY *ſworn.*—I am a partner with the laſt witneſs; I know no more than he does.

JAMES CASTLEMAN *called,*—I am twelve years old.

Q. Do you know the nature of an oath?—*A.* No.

Q. Can you ſay your catechiſm?—*A.* Yes.

Q. Do you know what becomes of people that ſwear falſely?—*A.* Yes; they go to the devil, *(he is ſworn;)* I live in the Nag's-head-yard, Whitcomb-ſtreet; laſt Sunday morning about ſeven o'clock, I found a watch chain, *(it is produced by the conſtable);* this is the watch chain that I found facing the Nag's-head yard, in the middle of the road, in the dirt.

Q. Did any body ſee you find it?—*A.* No.

Q. What did you do with it?—*A.* I ſhewed it to Mr. Temple, over at the public-houſe, the Three-tuns; I gave it to the conſtable on Monday.

WILLIAM DANVERS *ſworn.*—I am a conſtable of St. Martin's pariſh; I received this chain from the boy, at Hickes's-Hall, laſt Monday.

Barclay. This is the chain that I had to my watch.

Q. Whereabouts were you knocked down?—*A.* Upon the very ſpot which the boy has deſcribed, where he found the chain, the boy ſhewed me the very ſpot.

Priſoner's defence. I was going home, I heard a cry of ſtop thief, and I was going to ſee what was the matter; the watchman laid hold of me, and this gentleman ſaid I was the man that knocked him down, the gentleman was very much intoxicated.

GUILTY **Death.** (Aged 20.)

Tried by the ſecond Middleſex Jury, before Mr. Juſtice GROSE.

29. JOHN O'BRIEN was indicted for ſtealing, on the 18th of November, a thouſand iron nails, value 2s. the property of Charles Walker, and William Beck, the elder.

CHARLES WALKER *ſworn.*—I live upon Fiſh-ſtreet-hill, I am an ironmonger, in partnerſhip with William Beck, the elder, I have no other partner: The priſoner was our porter; in the beginning of November I had ſome ſuſpicion of him; I know nothing of the robbery myſelf.

WILLIAM BECK *ſworn.*—I ſaw the property taken by the priſoner on the 18th of November, the nails were in the cellar under the warehouſe; at near three o'clock in the afternoon, I was ſecreted there to watch him, I ſaw him come down and take a thouſand nails; they are kept, ſome in bags, and ſome in papers, upon ſhelves in the cellar; he took them from the ſhelf, they were threepenny fine claſp, he put them into the waiſt-band of his breeches, then he went up ſtairs; I met James Croſtey on the ſtairs, I did not follow him till I ſuppoſed he was gone, I told Croſtey that he had taken ſomething; the priſoner was called back upon ſuſpicion of being a thief; I then deſired him to produce the nails that I ſaw him ſecrete; he produced them, and ſaid, he had taken them becauſe his wife deſired him to bring ſome to mend the coal-hole; a conſtable was then ſent for, who took charge of the priſoner, and the nails, and he was taken to the Poultry-compter.

Croſs-examined by Mr. Knapp. *Q.* Are you a partner in this houſe?—*A.* I am not.

Q. He ſaid his wife had deſired him to bring theſe nails to mend the coal-hole?—*A.* Yes.

Q. What is the worth of them?—*A.* They are valued at two ſhillings.

Q. Theſe nails were ſome in papers, and ſome in bags, and ſome looſe?—*A.* I do not think there were any looſe; they are kept in different ways; it is at the option of the perſons who look after them.

Q. But ſome perſons may not be ſo careful of property as others; there might be ſome looſe you know?—*A.* There might.

Q. How many perſons do you employ in your buſineſs?—*A.* A ſhopman, two porters, and an apprentice.

Q. They do not live in your houſe?—*A.* The porters do not, nor the ſhopman.

Q. I do not mean to ſay it is a proper thing, but if the porter wanted a few nails to knock up a coal-hole you would not think it a very bad thing?—*A.* We ſhould expect to be aſked for them.

Q. Did it never happen?—*A.* Not to my knowledge.

JAMES CROSTEY *ſworn.*—I am ſhopman to Meſſrs. Walker and Beck: On the 18th of November,

vember, I ordered the priſoner to go on an errand to Cow-croſs; previous to his going, he lit a candle and went into the cellar; he came up again and went to the door; Mr. Beck, junior, ſaid, he had taken ſomething; he was ordered to come back, and Mr. Walker told him he had robbed him, and deſired him to produce the nails that he had in his ſmall clothes, which he did, *(the conſtable produced the nails)*; this is the parcel that he produced to me out of his ſmall clothes; we had the priſoner from Dawes and Ghrimes, cabinet-makers, at Clerkenwell.

Court. Q. How has he behaved ſince he has been with you?—*A.* He was ſometimes a little in liquor, and neglected his buſineſs.

Mr. Knapp. Q. Notwithſtanding he was a little in liquor ſometimes, and neglected his duty, he lived with you a twelvemonth?—*A.* He did.

The priſoner called four witneſſes, who gave him a good character. GUILTY (Aged 27.)

Confined three months in Newgate, and fined 1s.

Tried by the London Jury, before
Mr. COMMON SERJEANT.

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30. EDWARD SMITH was indicted for feloniouſly ſtealing, on the 15th of November, ten ounces of tobacco, value 1s. 9d. the property of Joſeph Sales, and John Pollard.

JOSEPH RICHARDSON *ſworn.*—I am clerk to Joſeph Sales, and John Pollard, tobacconiſts; the priſoner was clerk to them eight years: On the 15th of November laſt, in conſequence of an information from our horſe-keeper, I watched the priſoner outſide the door, at his uſual hour of going to dinner, which was one o'clock; after he had cleared the threſhold of the door, I took hold of him, I had information of his having tobacco in his pocket; I then brought him into the accompting-houſe, when he delivered into my hands tobacco to the weight of ten ounces out of his great coat pocket; a conſtable was then ſent for, who took him before Mr. Alderman Boydel, at Guildhall, and he was committed; he did not attempt to make any kind of defence, but was very much agitated, and begged for mercy; it was manufactured ſhag tobacco, and had been taken out of the warehouſe.

Croſs-examined by Mr. Knapp. Q. How many partners are there in your houſe?—*A.* Only Joſeph Sales and John Pollard.

Q. This ſhag tobacco is the common tobacco?—*A.* No, it is not; it is fine tobacco.

Q. He has lived with you eight years, and has a wife, and a large family?—*A.* Yes.

Q. Is it not uſual for perſons in your warehouſe to hang up their great coats?—*A.* Yes; the priſoner had done ſo, by the evidence of our horſe-keeper.

Q. What is the value of this tobacco?—*A.* One-and-twenty pence.

Q. Are there any allowance of tobacco made to your men?—*A.* Yes, to prevent their ſtealing, every Saturday night, to each man a quarter of a pound; but of a different ſort to what he had.

Court. Q. What day was this?—*A.* On a Wedneſday.

Mr. Knapp. Q. You ſearched his houſe?—*A.* Yes.

Q. And there was no tobacco of any ſort found?—*A.* None at all.

JOSEPH PAYNE *ſworn.*—*A.* I am horſe-keeper to Meſſrs. Sales and Pollard: I ſaw the priſoner take this tobacco out of a ſieve, and put it into his pocket, on Wedneſday the 15th of November; I gave information of it.

Q. Had you given information before?—*A.* Yes; on Saturday the 11th.

Croſs-examined by Mr. Knapp. Q. What time of the day was this?—*A.* Between twelve and one; I was up in my hay-loft, about thirty yards from where I ſaw the priſoner.

Q. Is the hay-loft higher than the warehouſe?—*A.* No; it is under the ſame roof.

Q. Have you been alway upon good terms with the priſoner?—*A.* I never had any words with him at all.

Q. You never had any diſpute?—*A.* No.

Q. Nor no blows, perhaps?—*A.* Never any.

Q. Were you upon friendly terms with him?—*A.* I never was otherways; it was my buſineſs to diſcharge my duty to my maſter.

Q. You have given information, I ſuppoſe, of other ſervants before?—*A.* No, I have not.

Q. You never had any occaſion to make any remark about them?—*A.* No.

Q. Mayhap you may have the luck of being made porter now?—*A.* I do not know that.

Q. You hope you ſhall?—*A.* No; I have no hopes about it.

Q. You would refuſe it if your maſter was to give you the appointment?—*A.* I have a very good place, and that is a place I have never been uſed to.

ANDREW TEDDYMAN *ſworn.*—I am a conſtable of Alderſgate Ward, *(produces the tobacco)*; I received this of Mr. Pollard.

Mr. Knapp. (To Richardſon.) Q. You do not mean to ſwear to this tobacco?—*A.* No.

Court. Q. Was there any tobacco in that ſieve that belonged to any body elſe?—*A.* No.

The priſoner left his defence to his Counſel.

Richardſon. It is needleſs to call any witneſſes to his character, I will give him the beſt of characters; he has been entruſted by us to a very large amount.

GUILTY (Aged 30.)

Confined one month in Newgate, and fined 1s.

Tried by the London Jury, before
Mr. COMMON SERJEANT.

31. ISAAC

31. ISAAC ABRAHAM was indicted for feloniouſly ſtealing, on the 29th of October, a pewter quart pot, value 1s. 6d. three pewter pint pots, value 3s. and a table knife, value 2d. the property of James Henſhaw.

JAMES ANDREWS *ſworn.* — I am a turner, in Slaughter-ſtreet, Bethnal-green: I ſaw the priſoner take a pint pot, on the 28th of October, about half an hour paſt eleven o'clock at night; I was in a box at the Crown and Magpye, Mr. Henſhaw's, in Skinner-ſtreet, ſitting next to him, on his left hand, I was not in his company; he took a pint pot up with ſome beer in it, and was going to put the beer into his own pot, his wife was with him, and ſhe refuſed him; he returned the pot back again, and ſat it down upon the table, the beer belonged to a young fellow that had left the ſeat; he then poured it into his own pot, and turned the pot topſey turvy, and ſet it next to his own pot; he let it ſtand ſo for the ſpace of half a minute or ſo, he then put it behind him upon the bench, bottom upwards, and let it remain two or three minutes; I looked over the bench, and he turned upon his right ſide, as if he was putting the pot into his pocket: I did not ſee him put it into his pocket, but miſſed it immediately after; he then began talking to me about one thing and another; after he had ſat a conſiderable time, I went out to the door, and before I had been to the door any ſpace of time, he came after me, and went out; I acquainted Mr. Henſhaw with it, and the pot was not in the houſe when I came in again; Mr. Henſhaw went after him, but could not find him; we had not come back long before the priſoner came in again, and ſat himſelf in the ſame box, but not in the ſame place; I then had a pint of beer, which I emptied into a quart pot, and ſet the pint pot down upon the table; the priſoner laid hold of the pint pot, and turned it bottom upwards, and ſet it cloſe to the candleſtick, and there it ſtood for a little ſpace; another pint was brought likewiſe, by a friend of mine that I was drinking with before, and that was emptied into a quart pot, and the pint pot ſet upon the table; the priſoner took the pint pot that he had turned bottom upwards, and clapped it behind him, or put it in his pocket, I am not able to ſay which; I then went out and acquainted Mr. Henſhaw that he had took the other pint pot; upon which he ſaid, very well, he ſhould detect him; the priſoner then went out, and Mr. Henſhaw detected him; I remained in the tap-room, his wife was cloſe to him both times, ſhe ſtaid in the box when he went out the firſt time; I did not perceive him to be in liquor when he took the firſt pot, but he did appear to be in liquor when he took the ſecond, he left the other upon the table; I had ſeen him in the houſe ſeveral times.

Croſs-examined by Mr. Alley. Q. You ſay you did not perceive he was drunk the firſt time?—*A.* No.

Q. But he was the ſecond time; now do you mean to ſay that he had been out long enough to have got drunk?—*A.* No.

Q. How long have you been in the habit of frequenting this public-houſe?—*A.* Some time.

Q. Did you know a perſon of the name of Mackley?—*A.* Yes.

Q. He had a ſudden death, had not he?—*A.* Yes.

Q. He was hanged, was not he, for the murder of Mr. Fryer?—*A.* Yes.

Q. You knew Clinch, did not you?—*A.* No.

Q. Was it poſſible for him to have taken this pot without your ſeeing him?—*A.* It might be poſſible.

Q. It was juſt poſſible, if you ſhut your eyes, I ſuppoſe?—*A.* Yes.

Q. Not if you did not ſhut your eyes?—*A.* No, he could not.

Q. Then as ſoon as the men came in the ſecond time, you poured your pint into the quart pot?—*A.* Yes.

Q. What might that be for?—*A.* Becauſe I had ſome other liquor in it, and did not chooſe to drink out of two different pots.

Q. Had not you, or ſome of your comrades, been playing tricks with that man, pulling his coat, and telling him he muſt give you ſome beer?—*A.* No.

Q. Did you not tell him, if he did not give you ſomething, you would play a trick upon him?—*A.* No.

Q. Upon your oath, did not one of your company put the pot in his pocket?—*A.* No.

Q. Had not you a quarrel with him?—*A.* No.

Q. How late did you ſtay that night?—*A.* Till near two o'clock in the morning.

Q. Are you in work now?—*A.* Yes.

Q. And have you a wife and family?—*A.* I have a wife.

Q. And you idle your time in this public-houſe, and were acquainted with Mackley, who was hanged—you may ſtand down, Sir.

JAMES HENSHAW *ſworn.*—I keep a public-houſe in Skinner-ſtreet; the laſt witneſs told me the priſoner had taken a pint pot; I went after him but could not find him; a little while afterwards the laſt witneſs informed me he had taken another pint pot.

Court. Q. Did you ſee the priſoner return?—*A.* Yes, I did; I immediately got up, and the priſoner was going out, he wiſhed me a good night; I told him I believed he had got ſomething belonging to me, and I ſtopped him, and took him into the parlour, I ſent for the watchman, and the watchman ſaid he could not ſearch him; Sapwell, the officer, then c me, and ſearched him, he found a pint pot in his pocket, and the key of his room, which is in Lamb-alley, in Biſhopſgate-ſtreet.

—— SAPWELL

——— SAPWELL *ſworn. (Produces the pots).*—I am a conſtable: On the 29th of laſt month, about half paſt one in the morning, I was ſent for to Mr. Henſhaw's, in Skinner-ſtreet, Biſhopſgate-ſtreet; he gave me charge of the priſoner at the bar, I ſearched him, and found in his pocket a pint pot, which Mr. Henſhaw ſaid was his; I then found the key of his room in his pocket; the ſervant of Mr. Henſhaw, and his ſon, went with me and ſhewed me the room in a court, in Lamb-alley, Biſhopſgate-ſtreet; I went into the room, and found, upon the left-hand going in, in a cupboard, one quart, and two pint pots, and a knife in a table drawer.

Q. How far is this court from the houſe of Mr. Henſhaw?—*A.* Two hundred yards, I ſuppoſe, or a little further, I cannot ſay.

Croſs-examined by Mr. Alley. *Q.* You know nothing of theſe lodgings, but what you heard from other people?—*A.* No.

Q. It is a very common thing, when you have beer home to your own houſe, that the pots are left and called for the next day?—*A.* Yes.

JOSEPH DAVIS *ſworn.*—I am an officer of the night: I went to the houſe of Mr. Henſhaw, and the priſoner was brought to the watch-houſe.

Henſhaw. This is the pot that was found in his pocket; I am ſure it is mine, it has my mark upon it; the others are all mine.

Mr. Alley. *Q.* That man was a cuſtomer of of your's?—*A.* Yes; but I never ſent a pint of porter to him in my life.

Q. Do you mean to ſwear you know every pot that goes out of your houſe?—*A.* Yes; we never collect our pots but once a week, on a Friday.

Q. And you ſerve a great many cuſtomers?—*A.* Yes; I ſerved this pint pot that night in the tap-room, I am ſure, I ſerved it myſelf, but I cannot tell to whom; I had loſt twenty pint pots in the courſe of that week.

Court. *Q.* Do you know any thing of the priſoner?—*A.* Yes; he is a Jew, he ſells lemons, I have bought a great many of him; he was the laſt man I ſhould have ſuſpected, I gave him the name of honeſty.

Priſoner's defence. I was ſo drunk I could not ſtand upon my legs; I do not know how the pot came into my pocket.

GUILTY (Aged 66.)

Of ſtealing to the value of 8d.

Confined three months in Newgate, and fined 1s.

Tried by the London Jury, before
Mr. COMMON SERJEANT.

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32. JAMES BRADLEY was indicted for that he, on the 11th of October, in and upon Joſeph Brown, in the King's highway, did make an aſſault, putting him in fear, and taking from his perſon ſix guineas, ſix half guineas, and ſixteen ſhillings, the property of the ſaid Joſeph.

(*The caſe was opened by Mr. Knapp.*)

JOSEPH BROWN *ſworn.—Examined by Mr. Knapp.* I am a grocer and cheeſemonger, at Hounſlow; a ſhopkeeper.

Q. Look at the priſoner?—*A.* That is James Bradley, he is a taylor, and has lived at Hounſlow pretty near five years. My wife and I were returning in a ſingle-horſe chaiſe from Windſor to Hounſlow; when we had got near the eleven mile-ſtone upon Hounſlow-heath, I cannot ſay whether it was ten minutes before ſix or after, it was not very dark, I could ſee, I dare ſay, a quarter of a mile upon the Heath.

Q. Was the day cloſed?—*A.* No, it was not, it was rather duſk; I paſſed two men together, one a great deal taller than the other; and a few yards further, a third man; they were on foot at that time; I did not ſee the fourth, which I ſay was Bradley, but inſtantly as we had paſſed them, they muſt have returned upon us, for ſomebody came up immediately and laid hold of the horſe, they all came by the ſide of the chaiſe; I was going to drive on, when one of them ſtepped his foot upon the chaiſe-ſtep; as he got up to me, another immediately got up on Mrs. Brown's ſide; a third got acroſs the ſhafts, behind the horſe, and preſented a piſtol, while the fourth was at the horſe's head; the one on my ſide had no piſtol; the man on the other ſide was preſenting a piſtol at Mrs. Brown's breaſt all the time; the man on my ſide unbuttoned my coat, and felt on both ſides, and in my inſide pockets, for my pocket-book, and my watch; he demanded my money, and felt my ſmall clothes, he felt that there was money and notes in my left hand breeches-pocket; the caſh was, ſix guineas, I think, and ſix half-guineas, two two pound notes, and a one pound note; then he felt that there was ſomething more in my right hand pocket, he demanded that, which was ſilver, and I gave it him all; the other on the other ſide, demanded the money of Mrs. Brown; the man on the ſhafts only held the piſtol while the others robbed us; Mrs. Brown gave them all the ſilver ſhe had, and they demanded her cloak, "your cloak, "Ma'am;" I ſaid, my brave fellows, do not treat us ill, I will give you all the money that I have; we gave them all, and they did not take the cloak; then they got down, and told us we might go on, and they would not hurt us.

Q. How were they dreſſed?—*A.* They appeared to have all great coats and crapes.

Q. What hats had they?—*A.* They had all flapped hats.

Q. Which was the one that you thought was Bradley?—*A.* The fourth man.

Q. Have you any doubt that it was Bradley?—

A. I

A. I have not, nor never had, from the moment I was robbed.

Q. Your wife was ill in conſequence of it afterwards?—*A.* Yes.

Q. Bradley was bailed, and now comes ſurrendering to take his trial?—*A.* Yes.

Q. You ſay, you have not a doubt, as to Bradley being the perſon?—*A.* I have not a doubt.

Croſs-examined by Mr. Raine. *Q.* The perſons that robbed you had crapes?—*A.* Yes.

Q. Therefore you could not ſee their faces?—*A.* I ſaw the face of him that looked at me, when he took the money.

Q. So as to diſtinguiſh the features?—*A.* I really thought it was Bradley, from the features, for it was double over his noſe, and ſingle below.

Q. Have not you ſaid before, upon your oath, that the only means you had of knowing him, was, by his voice?—*A.* No; I knew him perſonally, as well as any man in England.

Q. Have you not ſaid ſo before upon oath, in your examination at Bow-ſtreet?—*A.* I do not think I did.

Q. Will you ſwear that you did not ſay that at Bow-ſtreet?—*A.* I do not recollect that I ſaid any ſuch words.

Q. You will not ſwear you did not?—*A.* No.

Q. This much, however, you will inſiſt upon, that there was a crape over the whole face?—*A.* There was.

Q. Will you, at that hour of the night, undertake to ſwear, with a crape over his face, that you could diſtinguiſh the features of any man?—*A.* Not particularly.

Q. My queſtion is, at that late hour of the night, with a crape over the face, could you, by that light, diſtinguiſh the features of a man through that crape?—*A.* Certainly, I might diſtinguiſh him from another man, knowing the ſtature and features of the man, it is poſſible to ſee features.

Q. You may ſee fleſh, but not features; where was the crape double?—*A.* Over his forehead.

Q. Yet, through the double crape, you could ſee his features?—*A.* I know him as well as I do any man in England.

Q. Upon your oath, did you proſecute that young man till you were ſerved with a copy of a writ, and an action for ſlander?—*A.* No, I did not.

Q. I believe, three days after you had been ſerved with a copy of a writ, you inſtituted this proſecution?—*A.* I do not know to a day; for I did not think any thing about the writ.

Q. In conſequence of the robbery, it was circulated throughout Hounſlow town, that Bradley was the man—did he not wait upon you, and proffer to ſatisfy you by reference to witneſſes, that it was impoſſible he could be the man?—*A.* He ſaid, he could bring witneſſes.

Q. Upon your oath, did he not refer you to the perſons?—*A.* I told him I was confident he was the man, and ſhould ſay ſo to the lateſt day I had to live.

Q. Did he not refer you to thoſe witneſſes?—*A.* He ſaid, he could prove he was not the man.

Q. Did he ſay who they were?—*A.* I do not know that he did.

Court. *Q.* Indeed you are expoſing yourſelf moſt miſerably—did he ſay by whom he could prove that he was not the man?—*A.* I cannot tell that he mentioned any name.

Q. Do you mean to ſay that upon your oath?—*A.* I do not recollect that he did tell me any names; he ſaid, he was at Cranford-bridge, and that he could bring witneſſes; he ſaid, he was drinking with ſome poſt-boys, or horſe-keepers, or ſomething of that ſort, I don't recollect who.

Court. *Q.* Did he mention any names?—*A.* To the beſt of my recollection he did not.

Court. *Q.* But, ſurely, after the man told you, you having been robbed, that he would produce witneſſes, and mentioned their names, one would have thought you would be very glad to have had it cleared, I think I ſhould not have forgot it?—*A.* I do not think he did mention any names.

Q. Will you venture to ſwear that he did not mention any?—*A.* He did not.

Mr. Raine. *Q.* As he did not refer you to any name, how came you to go to Hawkins the coachman?—*A.* He did not tell me about Hawkins to my recollection, but I ſpoke about the robbery the inſtant I came home.

Q. Upon your oath, did he not tell you of the man that had driven him from Hounſlow to Cranford-bridge that night?—*(Heſitates)*

Court. *Q.* Now be cool, and give a direct anſwer, did he mention Hawkins to you?—*A.* I do not know that he did at all.

Court. *Q.* Upon your oath, will you ſay he did not?—*A.* I aſked Hawkins.

Court. *Q.* Now do anſwer the queſtion, you are diſgracing yourſelf moſt miſerably, it is a plain queſtion—did he mention Hawkins or not?—*A.* Upon my ſoul, I cannot ſay whether he did or not, if I was to die this moment.

Q. How came you to aſk Hawkins?—*A.* A neighbour of mine ſaid he went down by ſuch a coach, that ſame night.

Court. *Q.* Now tell me, after being reminded of it, how came you to aſk Hawkins?—*A.* I cannot ſay, if I was to die this moment.

Court. *Q.* Never mind dying at preſent, that may be a very ſerious queſtion by and by, upon your oath, did he mention Hawkins?—*A.* I cannot ſay.

Q. Do not you believe he did?—*A.* He might, probably.

Court.

Court. Q. Why might he probably mention Hawkins?—*A.* I ſuppoſe he might mention Hawkins.

Court. Q. Do not you believe he did?—*A.* I really cannot ſay; I would not ſay it for all the world; I cannot ſay it.

Q. Do you believe he did?—*A.* I cannot anſwer you whether he did or not.

Court. Q. Do you mean to ſay, you have no belief upon the ſubject?—*A.* I would believe right things, but I cannot ſay what I do not know.

Q. You ſaid, juſt now, it ſeemed probable, do you believe that he did mention it?—*A* As I ſaid before, if I was to drop down dead, I cannot tell.

Q. Give me an anſwer, one way or the other, do you or not, believe that he mentioned Hawkins's name, and referred you to him?—*A.* No, he did not; I do not think he did.

Q. Do you mean to ſay you are ſure he did not?—*A.* I cannot be ſure.

Court. I think the Jury will hardly depend on a man who gives ſuch evidence as this; for the ſake of the priſoner, you may go on.

Mr. Raine. I thank your Lordſhip.—Q. Was George Such, Buſh's oſtler, at Hounſlow, preſent when that young man made this application to you?—*A.* He was.

Q. As you do not recollect Hawkins's name, do you recollect Goddard's name, of Cranford-bridge?—*A.* I aſked Mr. Goddard.

Court. For ſhame, is that an anſwer.

Mr. Raine. Q. Upon your oath, did he not at that time mention Goddard, of Cranford-bridge, to you?—*A.* He ſaid he was there at Cranford-bridge.

Court. Q. I thought you mentioned juſt now that he mentioned no names?—*A.* He ſaid he was at Cranford-bridge.

Court. Oh fie.

Mr. Raine. Q. Did you not make enquiries in conſequence of the reference of this young man?—*A.* I did aſk Mr. Goddard about it.

Q. Now I aſk you again diſtinctly—In conſequence of the reference made you by this young man, did you not make enquiry of Hawkins and Goddard, and the ſervants, at Cranford-bridge?—*A.* I did not aſk any of the ſervants.

Q. It was about the eleven mile-ſtone that this tranſaction took place?—*A.* Yes.

Q. That is about a mile and a half from Cranford-bridge?—*A.* About a mile and a quarter, I cannot ſay to a mile and a half or a mile and a quarter.

Q. Do you not know it to be more than a mile and a quarter?—*A.* I have not meaſured it.

Re-examined by the Court. Q. You aſked Goddard and Hawkins?—*A.* Yes.

Q. How came you to aſk them?—*A.* Becauſe I had heard that he had been there.

Q. Did you apply to them in conſequence of the priſoner having mentioned their names?—*A.* I cannot ſay whether he mentioned Hawkins or Goddard.

Q. Did he mention either of them?—*A.* He ſaid he went to Cranford-bridge.

Q. Upon your oath, did he mention neither?—*A.* I believe he did mention Goddard or Mr. Goddard, or Cranford-bridge.

Q. Did he mention Goddard?—*A.* I cannot ſay whether he did or not; I believe he did mention Goddard.

Q. Then why did you tell me he mentioned no names?—*A.* I cannot ſay particularly whether he ſaid he was at Mr. Goddard's, or at Cranford-bridge.

Mrs. BROWN *ſworn.—Examined by Mr. Knapp.* Q. You were coming from Windſor to Hounſlow, do you know any thing of the perſons who attacked you?—*A.* I cannot ſay I ſhould.

Mr. Knapp. Under this evidence I certainly do feel it too much to call upon a Jury, when a man's life is at ſtake; from the beginning I have had my doubts whether it was ſuch a caſe as was fit to be ſupported.

Court. The proſecutor has acted very abominably, and I could ſay ſomething further, but I will not; the character of this young man will certainly ſtand as fair as ever it has done at any one period of time.

NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. Juſtice GROSE.

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33. WILLIAM LANSDOWNE was indicted for feloniouſly ſtealing, on the 4th of December, 3 lbs weight of cheeſe, value 1s. 6d. the property of John Fitzgerald.

CATHERINE FITZGERALD *ſworn.*—I am the wife of John Fitzgerald, I live at No. 4, Drury-lane: I was ſitting in the parlour behind the ſhop, between nine and ten o'clock laſt Monday night, I was looking into the ſhop, and ſaw a man put in his hand, and take away ſome cheeſe, which weighed three pounds three quarters; that is the man at the bar, I know his face again perfectly well; I ſell fruit, and the ſaſh riſes up; I ran after him, and called watch, and ſtop thief, and he was taken; I never loſt ſight of him till he was taken; the cheeſe is here. *(It is produced).*

RICHARD BOWYER *ſworn.*—I am a journeyman hatter; I heard an alarm of ſtop thief, and I purſued and took the priſoner at the bar, he had nothing upon him when I took him; but I ſaw him drop the cheeſe about a dozen yards before I took him; Mrs. Fitzgerald picked it up.

LAWRENCE M'CARTY *ſworn.*—I am a watch-

man;

than; I heard the alarm of ſtop thief, I followed the priſoner, and ſprung my rattle; I overtook him and ſtopped him, along with the laſt witneſs; I ſaw him throw ſomething away, I did not know what it was; I knocked him down into the hands of the laſt witneſs, and we took him to the watch-houſe.

Priſoner's defence. I was going home to bed, and that gentleman came up and knocked me down, what it was for I did not know; I know nothing about the cheeſe.

GUILTY of ſtealing to the value of 10d.

Publicly whipped and diſcharged.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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34. THOMAS TALBOT was indicted for feloniouſly ſtealing, on the 2d of December, 123 lbs of iron, value 12s. the property of William Bown and James Clarkſon.

JAMES CLARKSON *ſworn.*—I am in partnerſhip with William Bown. Laſt Saturday night, between ſix and ſeven o'clock, I loſt ſome iron from our Foundry, in Ray-ſtreet, Clerkenwell; the priſoner had been a ſervant of our's; he had received his wages about twenty minutes before he got this iron; I expected him to have come again, on Monday morning, as uſual; I knew nothing of the robbery; when I was ſent for, I aſked him what he meant to do with it; he ſaid, he did not know; I aſked him what induced him to take the iron; and he ſaid, he believed the Devil poſſeſſed him.

Q. Who did that iron belong to?—*A.* It muſt belong to us, it was upon our premiſes; it was ſome old and ſome new; it is in Court.

JAMES KING *ſworn.*—I am ſervant to Meſſrs. Bown and Clarkſon: About ſeven o'clock laſt Saturday night, I went into my maſter's workſhop to get a bit of candle; and when I opened the door, I ſaw the priſoner ſtooping down, with ſome iron tied up in his apron; I ſaid, holloa, what are you doing; I aſked him what he was doing, ſeveral times, and he made me no anſwer; then he ſtood up, and ſaid, I do not know, James; there was nobody elſe in the ſhop, the men were all gone; after that, he begged and prayed I would let him go, and hoped I would take no notice of him; I told him, I could not let him go, I would ſend for the foreman, Mr. Franklin, which I did; when he came, I told him of it, and the priſoner threw it down, it was ſome old and ſome new; the foreman picked it up.

THOMAS FRANKLIN *ſworn.*—I am foreman to Meſſrs. Bown and Clarkſon: I was ſent for; I went into the ſhop, and ſaw the iron lying down at the entrance of the ſhop, near the ſcales; the priſoner was cloſe by it; James King told me what had happened, and the priſoner did not deny any thing that was alledged againſt him. The iron is here. *(It is produced).*

Court. *Q.* Is any body here that can ſwear to any particular part of it?—*A.* No.

The priſoner did not ſay any thing in his defence.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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35. JOHN HARRIS was indicted for feloniouſly ſtealing, on the 28th of October, a quart pewter pot, value 2s. and a pint pewter pot, value 6d. the property of Joſeph Woodward.

JOSEPH WOODWARD *ſworn.*—I am a publican, in James-ſtreet, Covent-garden: I loſt two pots, on the 28th of October, a quart and a pint, I was not at home at the time; the priſoner frequented my houſe; I have known him upwards of two years, by frequenting my houſe.

JOHN HEARNE *ſworn.*—I was coming in at my maſter's door, Mr. Woodward's, and I ſaw the priſoner holding his pockets back, I aſked him what he had got in his pockets; he ſaid, he had not got any thing; I put my hand into his right hand pocket, and took out a quart pot, that has my maſter's cypher upon it; he had a pint pot in his left hand pocket, and that he threw out, it had the name at full length in the front of the pot, I picked it up, and he ſtrove to make his eſcape; he ran out of the paſſage to the door, and I held him till a gentleman came to my aſſiſtance, and then I took him to the watch-houſe; he was taken before a Magiſtrate on Monday morning, and committed.

BENJAMIN RAVEN *ſworn.*—I am a patrole belonging to Bow-ſtreet: I took the priſoner before the Magiſtrate; I ſearched him, but found nothing upon him.

Priſoner's defence. I had been aſleep in the houſe, and had been drinking all the evening; there were ſeveral women of the town in the tap-room; I don't know how the pots came in my pocket; Mr. Woodward has known me three years, and has taken many pounds of my money.

Woodward. I had no ſuſpicion of him before this, I have learned ſince he was taken up, that he was a ſawyer.

GUILTY (Aged 28).

Confined two weeks in Newgate, and fined 1s.

Tried by the ſecond Middleſex Jury, before Mr. Baron PERRYN.

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36. ELIZABETH FAYLER was indicted for feloniouſly ſtealing, on the 13th of November, two quart pewter pots, value 2s. the property of Joſeph Woodward.

JOSEPH WOODWARD *ſworn.*—I am a publican

in

in James's-ſtreet, Covent Garden: I have loſt a great number of pots; I know nothing of this tranſaction.

THOMAS DYER *ſworn*.—I was ſent for from Bow-ſtreet, to Mr. Woodward's houſe, on Monday the 13th of November; ſhe was ſitting in the tap-room; Mr. Hearne ſuſpected her of ſtealing pots; I felt her right hand pocket, and took a quart pot out of her right hand pocket. *(Produces it.)*

JOHN HEARNE *ſworn*.—I am nephew to Mr. Woodward; I came paſt the priſoner, ſhe was ſitting on the bench, ſhe had a pennyworth of two-penny; I ſaw her pockets ſtick out, I aſked her what ſhe had got there, and ſhe immediately threw a quart pot out, which I caught in my hand, and ſent for an officer, this is the quart pot. *(Produces it.)*

Priſoner's defence. I was to meet a young woman at this gentleman's houſe; I had a bundle, I was very much in liquor; I put the bundle under me, and he aſked me what I had got; how the pots came there, I don't know, I never was in trouble before in my life.

GUILTY (Aged 43.)

Confined two weeks in Newgate, and fined 1s.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice GROSE.

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37. PETER CATAPODI, otherwiſe PETER BROWN, and SARAH BEST, otherwiſe BROWN, otherwiſe CATAPODI, were indicted for feloniouſly ſtealing, on the 7th of November, a cotton counterpane, value 5s. the property of John Finch, in a lodging-room let by contract by him to the ſaid Sarah.

(The caſe was opened by Mr. Knowlys.)

JOHN FINCH *ſworn*.—I live at No. 8, St. James's-buildings, Roſomon's-ſtreet, Clerkenwell: The woman at the bar took the lodging of me, by the name of Brown; ſhe applied to me for that purpoſe on the 3d and 4th of October; the firſt time ſhe came, there was a young woman with her, and an infant that ſhe had in her arms; I agreed with her for the lodging, ſhe repreſented herſelf to be a married woman; on the 5th of October, the two priſoners came together, and occupied the lodging, and continued till the 15th of November, when they were taken up by the officers of Bow-ſtreet; they were to find their own bed linen, I was to furniſh the blankets and the quilt; he went by the name of Brown, I did not know he had any other name.

Q. Did he remain in the lodging with her all this time?—*A*. Yes; I never knew him ſleep out of the houſe, nor be out of the houſe after ten o'clock; I did not miſs any thing till the officers of Bow-ſtreet gave me information, and then I miſſed a cotton counterpane off the bed, worth about eleven ſhillings, or thereabouts.

Croſs-examined by Mr. Alley. Q. It was the woman priſoner that you let the lodging to?—*A*. Yes.

Q. I believe you know that the man priſoner is not married to her?—*A*. I thought they were man and wife at that time; but from what I can find ſince they are not.

Q. The man priſoner did not come in till two days after the agreement with her?—*A*. She agreed on the 4th, and came in on the 5th.

Q. Was it the quilt that was upon the bed at the time they hired the lodging, that was ſtolen?—*A*. No.

Q. After that, what became of the quilt upon the bed?—*A*. It had got dirty, was put out to be waſhed, and a clean one put on.

Q. How long was this after the lodging was let?—*A*. I cannot ſay poſitively.

Q. Which was the beſt quilt; was the quilt you lent laſt ſuch as you generally let with your lodgings?—*A*. The firſt quilt was; and this I put on occaſionally, while the other is waſhed.

Q. The quilt you lent them was too good to let with the lodgings?—*A*. No it was not, becauſe the other was better than that; when the firſt gets dirty we put on the other.

Q. Are you a houſe-keeper?—*A*. Yes.

Q. Have you ſeen the quilt ſince?—*A*. Not till I ſaw it at Bow-ſtreet.

EDWARD FUGION *ſworn*.—*Examined by Mr Knowlys.* I am one of the officers of Bow-ſtreet: I have known the priſoner about a year or two, by the name of Catapodi; in conſequence of an information, I went to the Peacock, in Maiden-lane, on Wedneſday the 15th of November, to apprehend him; I found the priſoner, and a young man, ſitting in a back parlour; I went in, and ſaid to the priſoner, what are you doing of here; he ſaid, nothing; I told him I muſt ſearch him; in ſearching him I found nothing; but, upon a paper lying upon the table, there was a check upon the caſhiers of the Bank, filling up, for five pounds, it was all filled up but ſigning; I brought him, and the young man, to the office; I went to ſearch his lodging, at the houſe of Finch, the laſt witneſs, I met the woman at the bar, Mrs. Brown, by the way; I aſked her where ſhe lived; and ſhe took me to this lodging at Finch's houſe; under the bed, I found a plate for draſts upon Down, Thornton, and Free, I found it concealed behind ſome papers; I ſearched further, and found ſome more checks, not filled up, upon Down, Thornton, and Company; I obſerved there was no quilt upon the bed; I aſked Mrs. Brown what had become of it; ſhe ſaid, that Mr. Brown had taken it to be waſhed;

I told

I told her I muſt take her into cuſtody, and ſhe muſt go with me to Bow-ſtreet; I acquainted the proſecutor of the quilt being miſſing, and took her to Bow-ſtreet.

Croſs-examined by Mr. Alley. Q. You have known that unfortunate young man a great while?—*A.* No great while.

Q. You know that he has a wife living?—*A.* I have heard it.

JOHN TOWNSEND *ſworn.*—*Examined by Mr. Knowlys.* I have known Catapodi twelve years, I have always known him by that name; I underſtood he was married, he uſed to ſpeak of his wife when he was applying to the Solicitor of the Bank, when I had him in cuſtody before.

Q. Is that his wife?—*A.* No; that is the wife of a poor man that has been executed, Colin Reculiſt.

Mr. Alley. Q. She is not the priſoner's wife?—*A.* No.

JOHN STEVENSON *ſworn.*—I am ſervant to Mr. Lowe, the pawnbroker, in Clerkenwell, *(produces the counterpane)*; I received it from the woman priſoner at the bar, on the 7th of November.

Finch. This is my counterpane.

Mr. Alley. Have you any mark upon it?—*A* No; there is a mark of a bit of wax of my own trade, I am a ſhoemaker, a bit of wax that got upon it when it laid upon the bed where I worked; there is the mark of the wax upon it now.

Mr. Knowlys. Q. How many years have you had it?—*A.* About four years.

Catapodi, NOT GUILTY.
Beſt, GUILTY.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury, before Mr. Baron PERRYN.

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38. WILLIAM NIXON was indicted for feloniouſly receiving, on the 29th of July, three pieces of muſlin, containing thirty yards, value 3l. 3s. part of goods of which Thomas Smith, otherwiſe Gipſey Tom, was convicted of ſtealing, the property of John Jackſon, James Jackſon, and Robert Potts, knowing them to have been ſtolen.

(The caſe was opened by Mr. Knowlys.

Mr. STAFFORD *ſworn.*—I am clerk to Mr. Knapp, clerk of the Aſſize upon the Home Circuit, *(produces a copy of the record of the conviction of Thomas Smith, otherwiſe Gipſey Tom)*; it is a true copy, I examined it both ways; he was convicted of ſtealing goods, at the laſt Lent Aſſizes for Hertford. *(It is read).*

JOHN MACAULAY *ſworn.*—*Examined by Mr. Knapp.* I am a manufacturer, at Glaſgow: I packed one hundred and thirty-ſix pieces of muſlin, to ſend by the Glaſgow waggon to London; the box was marked W W No. 4, London; I delivered the box to the porter of the waggon; it was directed W & W London, No. 4.

JOSEPH GREEN *ſworn.*—*Examined by Mr. Knowlys.* I am the driver of Meſſrs. Jackſon's waggon, I drove the waggon from Fairburn in Yorkſhire.

Q. Has your waggon any connections with the Glaſgow and Newcaſtle waggons?—*A.* Yes.

Q. At Fairburn do you recollect a box marked W W. No. 4, London?—*A.* Yes, perfectly well; I received the waggon on the 22d of July, I arrived at Hatfield Wood-ſide on the 28th, between two and three in the afternoon, the waggon reſts there; I left Hatfield Wood-ſide exactly at eleven o'clock at night, all was right then, the ſame as I had taken poſſeſſion of it; about three o'clock in the morning, when it began to be break of day, coming down Barnet-hill, I perceived a hollow at the front of the waggon, I came round to the tail of the waggon, there was nothing the matter there at all; I miſſed the box immediately from the front of the waggon, the off ſide; as ſoon as I miſſed it, I went back; I afterwards found the box in an oat field, about three or four hundred yards from the inn, at Hatfield Wood-ſide.

Q. What county is Hatfield Wood-ſide in?—*A.* In the county of Hertford.

Q. How far ſhort of London?—*A.* Nineteen miles. *(The box produced in Court).*

Q. Do you change loading any where?—*A.* Yes; we change waggons at Darlington, ſixty miles before I drove it.

Q. Is that the box that you had in your waggon?—*A.* It is the ſame box.

JOHN JOBLIN *ſworn.*—*Examined by Mr. Knapp.* Q. You are the agent in London?—*A.* Yes; the Glaſgow and Newcaſtle waggon inns at our inn, the White-horſe, Cripplegate; John Jackſon, James Jackſon, and Robert Potts, are the partners in the houſe.

Q. Had you any intelligence of any boxes to arrive at your inn?—*A.* Yes.

Q. According to the bill of lading, did all the goods arrive?—*A.* They did not; they were all right, according to my invoice, except a box, marked W & W London, No. 4.

Q. Have Meſſrs. Jackſon and Potts paid the loſs?—*A.* They have; I have paid it for them.

Mr. Conſt. Q. Are there any other partners in the houſe?—*A.* No.

THOMAS CARPMEAL *ſworn.*—*Examined by Mr. Knowlys.* I am one of the officers of Bow-ſtreet: I have known the priſoner, Nixon, thirty years.

Q. Did you know a man of the nick name of Gipſey Tom, who was convicted at Hertford?—*A.* Yes, Thomas Smith; I had known him twenty years.

Q. Do

Q. Do you know Taylor and Finch?—*A.* I know Taylor.

Q. Do you know from Nixon, whether, before this tranſaction, he was acquainted with Smith, or Taylor?—*A.* Yes.

Q. Do you know how long he had been acquainted with them?—*A.* No.

Q. Do you know whether he had been acquainted with them any time?—*A.* Yes.

Q. What were Smith and Taylor?—*A.* I have had them in cuſtody ſeveral times for thieving. In conſequence of ſome information that I received, I went to Nixon's houſe, on Sunday, the 7th of Auguſt, 1796, upon a charge of another robbery; he keeps the Swan and Pike, at Enfield Lock, in the county of Middleſex; I found there theſe three pieces of muſlin under the bed, between the bed and bed-tick; I aſked him how he came by them; at that time he did not tell, for they were under the maid ſervant's bed; we ſearched the houſe for other things, and we brought him and a man of the name of Akenhead, who was tried at Chelmſford, upon the charge I went down upon, and executed; Nixon gave evidence againſt him; they were brought up to Bow-ſtreet, and on Monday, he was examined; I do not recollect that any thing paſſed in the way to Bow-ſtreet.

Q. Were you preſent when Mrs. Gibbons was taken into cuſtody?—*A.* I was at Peterborough at that time; I went down there by the direction of Nixon, where Smith and Taylor were gone to.

Mr. Conſt. Q. This direction was a part of the examination?—*A.* I believe it was at the beginning of it.

Mr. Conſt. He did not ſay a word till he was admitted an evidence?—*A.* I cannot ſay.

Mr. Conſt. Q. Was he not in the act of giving information?—*A.* Yes.

Mr. Knowlys. Q. In conſequence of what paſſed, did you find Gipſey Tom?—*A.* I did, at the Fighting Cocks, at Peterborough, on the 9th of Auguſt, in the morning; I found Taylor alſo, but he made his eſcape; when Fugion and I took Gipſey Tom, he ſearched him; Fugion and I went together; in his pocket was the key of a room door; I ſearched a room in which he had ſlept, and there I found forty-five pieces of muſlin, in a pair of ſaddle-bags; we brought Gipſey Tom to town, and he was tried at Hertford.

Q. Have you had any converſation with Nixon, ſince he gave his information at Bow-ſtreet, reſpecting this robbery?—*A.* Yes, frequently; he ſaid, that Smith, Taylor and Finch brought the whole of the muſlins there, I forget the exact number that he ſaid; it was one hundred and ſomething; he ſaid, he had brought them to his houſe, at Enfield-Lock, and that it was a very rainy morning, and that Smith ſent his (Nixon's) ſon to Mrs. Gibbons; that ſhe came down, and the pieces were told out to her; he ſaid, he ſaw them told out; he ſaid they were put in a ſack, all but forty-five pieces, which were Gipſey Tom's, and he kept his part; Gipſey Tom ſaid, he knew how to make as much of them as Mrs. Gibbons, for he was a pedlar, and travelled with a licence; he ſaid, Mrs. Gibbons was gone away, and one of them ſaid, fetch her back; ſhe came back, and ſhe took the ſack away with what was in it, which contained Taylor and Finch's ſhare, but not Smith's; with reſpect to the three pieces that I found concealed in his maid's bed, he ſaid, one was given to him by the other two; two were to be ſent to Finch's wife, or to Finch's houſe, I do not know which.

Croſs-examined by Mr. Conſt. Q. You ſay this was private converſation between you and him?—*A.* Yes.

Q. When did it take place?—*A.* Many times; we had been at Hertford and Chelmsford, and other places, and I had given him good advice to tell the truth.

Q. For what purpoſe?—*A.* That if he did not tell the truth it would fall upon him.

Q. You know at that time he was admitted an evidence for the Crown?—*A.* Yes.

Q. And you know alſo that all this had been taken down upon oath, at Bow-ſtreet?—*A.* Yes; I told him ſo, that what he had ſaid at Bow-ſtreet, was taken down, and ſent to this Court, and if he did not ſtick to that, it would fall upon him.

Q. You had heard what had been taken down at Bow-ſtreet?—*A.* Yes; I heard the evidence read.

Q. Did not you tell him ſomething like this, you at Bow-ſtreet, ſaid, ſo and ſo?—*A.* No; I ſaid, you know what you ſwore at Bow-ſtreet, if you do not ſtick to the truth, it may fall upon you.

Q. Underſtand me, and ſtop before you anſwer, we know what he ſwore at Bow-ſtreet; you have ſeen him frequently, and talked about the buſineſs, was it not in this way, you have ſaid ſo and ſo, ſtick to that, or it will fall upon you?—*A.* I have repeatedly ſaid ſo.

Q. Then did he ſhortly ſay, that is the truth?—*A.* Juſt ſo.

Court. Q. This converſation you talk of having had with Nixon ſince he was at Bow-ſtreet; have thoſe facts that you have now related been related by him ſince?—*A.* Yes.

Mr. Conſt. Q. Do you mean that he has told the whole ſtory over again to you?—*A.* Yes; as near as I can tell.

Q. At thoſe times you always exhorted him in that way, at the introduction of ſuch a converſation?—*A.* Yes.

Mr. Conſt. Q. That it would be better if he did

ſtick

ſtick to the truth, and if he did not, it would fall upon him?—*A.* Yes.

Mr. Knowlys. *Q.* He was, at that time, not charged as a criminal, but admitted as a witneſs?—*A.* He was.

Mr. Conſt. *Q.* Gipſey Tom took his ſhare away?—*A.* Yes; they were divided in three.

Q. Then theſe three were no part of the forty-five?—*A.* Not of the forty-five that were at Peterborough.

EDWARD LAVENDER *ſworn.—Examined by Mr. Knapp.* I am clerk at Bow-ſtreet; I was preſent when Mr. Nixon was examined.

Q. Since the examination have you had any converſation with him relative to this?—*A.* I have had many converſations with him ſince his examination was taken, but I cannot recollect the particulars.

Q. Nixon was admitted a witneſs againſt Gipſey Tom, and was afterwards admitted an evidence againſt Mrs. Gibbons?—*A.* He certainly was.

Q. Tell me if you know that letter?—*A.* It is a letter I received from the priſoner, Nixon, it is a letter addreſſed to Nixon, from Smith. *(It is read, addreſſed Mr. Nixon, at the Swan and Pike, Enfield-Marſh, Hertfordſhire, dated Peterborough, Auguſt 1ſt, ſigned T. Smith).*

" SIR,

" The two boxes that I left at your houſe is not " come to Mr. Craven's, therefore ſhould be obliged " to you if you will make ſome enquiry about them, " and ſend me a letter to the Fighting Cocks, at " Peterborough.

" I am, your's,

" T. SMITH."

Croſs-examined by Mr. Conſt. *Q.* I believe this man was bound over to give evidence?—*A.* He was committed, and afterwards admitted to bail, by Mr. Juſtice Lawrence.

Q. Did he enter into any recognizance before Mr. Juſtice Lawrence?—*A.* Yes.

Q. Did he not appear at Hertford, at the proſecution of Gipſey Tom?—*A.* Yes.

Q. Gipſey Tom, I believe, was convicted?—*A.* He was.

Q. Did he not, afterwards, appear in the proſecution of Akenhead, at Chelmsford?—*A.* He did.

Mr. Knowlys. *Q.* Did he not there deny the ſtory that he had told in his original information?—*A.* He did not give the ſame evidence.

Q. Did he not appear here as a witneſs againſt Eſther Gibbons, as he was bound over to do?—*A.* Yes.

Q. He gave information againſt her in his examination?—*A.* Yes.

Q. And did he not give evidence directly denying her guilt?—*A.* Directly contrary to what he had before ſworn upon his examination.

Q. In conſequence of which, he was committed by the Court?—*A.* Yes.

Mr. Conſt. *Q.* You mean to ſay, that he gave a different evidence at Chelmsford to what he did at Hertford?—*A.* Yes; he differed materially in his evidence all the three times.

Q. The difference, if I recollect, was, that he did not remember ſome of the particulars when Mrs. Gibbons was tried?—*A.* He could ſcarcely remember any thing.

Q. The tranſaction was more than two years ago?—*A.* A year and a half.

Mr. Knowlys. *Q.* Has he not told this ſtory repeatedly, about his knowledge of the buſineſs of Smith's robbery?—*A.* Yes.

Q. And when he came here he forgot the whole of it?—*A.* He forgot the moſt of it.

Mr. Macaulay. Theſe three pieces are mine, they have my private marks upon them, one of them in my own hand writing; the other two are written by a young lad that was with me at that time, of the name of Garner.

Court. *Q.* Do you know that theſe three pieces were part of the package of that box?—*A.* Yes, perfectly well.

Priſoner's defence. Every time that the gentlemen of Bow-ſtreet choſe to examine me, they promiſed me that, bring forward whatever I would, I ſhould not be hurt; I have not differed at all in the evidence that I gave; if you find in the papers any thing different, I will this moment ſign my own death warrant.

The priſoner called four witneſſes, who gave him a good character.

GUILTY (Aged 43.)

Tranſported for fourteen years.

Tried by the firſt Middleſex Jury, before Mr. Juſtice GROSE.

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39. JOSEPH SKINNER was indicted for feloniouſly ſtealing, on the 18th of November, 8 lbs of bees' wax, value 6l. the property of William Field and George Field.

JEREMIAH THOMAS *ſworn.*—I was in my maſter's warehouſe, Mr. Ronalds's, next door to Mr. Field's.

Q. Who did this property belong to?—*A.* William and George Field, merchants: I was in my maſter's paſſage about a quarter before ſeven in the evening of the 18th of December; I went up one pair of ſtairs, and ſaw three men come out of Mr. Field's warehouſe, I cannot ſay whether the priſoner was one or not; two of them had bags on their ſhoulders; I went and told my maſter, and he came down to the door with me; I ſhewed him the man, and told him that was one of them; I purſued him along the middle of the ſtreet, and he

dropped

dropped the bag, and ran; I believe it to be the priſoner, but I cannot ſay; my maſter cried out, ſtop thief, I picked up the property; my maſter brought the priſoner back in about five minutes; I have had the bag ever ſince, *(produces it)*; it contains bees' wax.

FRANCIS RONALDS *ſworn.*—The laſt witneſs is my ſervant: Laſt Saturday week, the laſt witneſs ſaid there was ſomebody robbing Mr. Field's warehouſes; I went to the counting-houſe door, and ſaw a man with a bag upon his back, moving very quick; Thomas ſaid, that is the man, I firſt ſaw him about twenty-five yards from Mr. Field's warehouſes; as ſoon as I ſaw him, I cried, ſtop thief; the man immediately dropped the bag; I did not ſee his face, he had a blue wrapping great coat on; I cannot ſwear to the man; he ran along the middle of the ſtreet, and I after him, crying, ſtop thief; he turned up Fiſh-ſtreet-hill, I then loſt ſight of him; when he made the angle, I followed him as faſt I could, and ſaw the ſame man in the middle of the ſtreet on Fiſh-ſtreet-hill, running as faſt as he could; I then repeated the cry of ſtop thief; when he had nearly got oppoſite the Monument, he was ſtopped.

Q. Was the man that was ſtopped the ſame man that you ſaw near your own houſe?—*A.* I cannot ſay that, he had very much the ſame external appearance; the patrol ſtopped him, his name is Cork, and we brought him back; we ſearched Mr. Field's warehouſes all over, to ſee if there was any body elſe concealed; we ſaw another bag packed in the ſame way as this cloſe to the door on the inſide, ready to be taken away, and at the upper end of the warehouſes, two other bags packed.

JAMES CORK *ſworn.*—I am a patrol of Bridge-ward: I met a man in a blue wrapping coat, with ſomething in his left hand, which appeared to be a crow leaning againſt his ſhoulders, and as he paſſed me, he ſaid, good night; I went down and met him again, and as he paſſed me, he either ſung or whiſtled, I do not know which, he had nothing with him then; he ran up the paſſage, and made a ſtop, and then I went on my duty; when I had got rather below the Monument, I heard a cry of ſtop thief, I ſaw this man running in the middle of the ſtreet, and I catched him in my arms, he had on a blue great coat, he had no property about him at that time; Mr. Ronalds came up inſtantly, and ſaid that was the man; he was taken back to Mr. Field's warehouſe, and from thence to the watch-houſe.

HENRY GIBBON *ſworn.*—I am a fiſhmonger; I live facing the alley where the warehouſes were broke open; I ſaw a man come up with a large blue coat on, light ſtockings and breeches; he turned to his left hand, went down the next turning, ſtopped there a little while, and returned up the ſame alley that he went down; he ſeemed to have ſomething upon his left arm like a piece of iron, I ſaw no more of him till he was taken to the watch-houſe.

Q. Will you ſwear he is the man?—*A.* No, I will not; I believe him to be the ſame man.

JOHN OWEN *ſworn.*—I am ſervant to William and George Field; I know no more than we faſtened the warehouſe as uſual, about five o'clock; a quarter before ſeven, as near as I can ſay, a man came from the top of the alley, and ſaid, the warehouſe was robbed; I went up with the keys to open the door, there were two locks open; there were two half doors, and they were ſplit open with an iron crow or ſomething; then we went into the warehouſe, and ſearched, and found one bag cloſe by the door, inſide; we went up where the bees-wax caſk was, and there were two bags lay along ſide the caſk, on the floor; that caſk was ſafe when I left the warehouſe, and full; as near as I can ſay, there was about one hundred and a half gone.

Q. Whereabouts is the weight of that bag?—*A.* I think it is three quarters of a hundred or more.

Q. Theſe ſacks do not belong to you?—*A.* No.

BENJAMIN FIGGINS *ſworn.*—About a fortnight before the robbery, I purchaſed two ton weight of wax of Meſſrs. Field; I had an opportunity of having the range of all Meſſrs. Field's warehouſes, I verily believe this to be the property of Meſſrs. Field.

Q. (To Owen.) In the courſe of a fortnight, had you any new wax come into your warehouſe?—*A.* No, none ſince that was ſeen by Mr. Figgins.

Priſoner's defence. I was going upon the Quays to look for work, I was obligated to be in the barracks by nine o'clock, and as I came to the foot of London-bridge, I heard a cry of ſtop thief, I inſtantly ſtopped and ſaw a parcel of people running up Fiſh-ſtreet-hill; the patrol met me in the middle of the ſtreet, and ſaid, I was his priſoner; I told him I was running after the thief; he took me into Thames-ſtreet, down an alley where I never was in my life before.

NOT GUILTY.

Tried by the London Jury, before Mr. RECORDER.

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40. BENJAMIN WINDLE was indicted for feloniouſly ſtealing, on the 6th of November, 8s. a ſixpence, and forty-eight halfpence, the property of George Field.

ANN FIELD *ſworn.*—My huſband, George Field, keeps the King's-head, Broadway, Weſtminſter; the priſoner came to my houſe for change for half-a-guinea, I gave him eight ſhillings and ſixpence, and two ſhillingſworth of copper; he went away

away with the change, without leaving me the half guinea, and I never ſaw it.

GEORGE PRESTON *ſworn.*—I ſaw Mrs. Field deliver the money to the priſoner; I did not ſee any half-guinea delivered to her, it was on the 6th of November.

PHILIP DENZELL *ſworn.*—I was in the houſe at the ſame time; I went in to have a pint of beer, the priſoner came in for change for half-a-guinea; Mr. Field ſent his wife to give the corporal change; Mrs. Field ſaid, will you take half-a-crownſworth of halfpence, he ſaid, the more halfpence the better, for it was for Major Holmes; upon that ſhe took him into the box, and told him down eight ſhillings and ſixpence in ſilver, and two ſhillings in copper; he took it up directly, and went out at the door, without laying down the half-guinea; Mrs. Field aſked her huſband, if he had taken the half-guinea, he ſaid, no, and ſhe went out at the door, after him directly.

Priſoner's defence. I went into that houſe to get change for half-a-guinea, on the 6th of November, about twelve o'clock; Mrs. Field was not at home; I ſtopped about ten minutes till ſhe came in, ſhe ſaid, ſhe could give me change, if I took half-a-crownſworth of halfpence; I ſaid, they were no object, if they were good; I ſaid, ſuppoſe, miſtreſs, you give me eight ſhillings and ſixpence, and two ſhillingſworth of halfpence; I laid the half-guinea down, and counted my money, and I went to the orderly-room, I had juſt come off a marching party, with a deſerter; Mr. Field came down in a great paſſion to the orderly-room about it, I told him, as ſoon as I had ſettled my buſineſs with the major, I would go with him, but he took me away to Queen-ſquare Office; I never defrauded any body in my life to my knowledge.

The priſoner called his ſerjeant, and four other witneſſes, who gave him a good character.

NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. Baron PERRYN.

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41. JOHN BROWN was indicted for feloniouſly ſtealing, on the 11th of November, a ſilver watch, value 30s. a baſe-metal watch-chain, gilt with gold, value 1s. and a ſtone baſe-metal ſeal, ſet in gold, value 1s. the property of Watkin Jones.

—— JONES *ſworn.*—I am the wife of Watkin Jones, I live at No. 1, North-ſtreet, Mancheſter-ſquare: On Saturday the 11th of November, about ſix in the evening, the priſoner came into our houſe, and aſked me what o'clock it was; I took the watch off the chimney-piece, and told him, a quarter paſt ſix; he ſaid, is it not too faſt, I told him, perhaps it might a few minutes; he aſked me then, to give him ſomething to eat and drink, I ſent him over the way to the public-houſe, the Bedford-arms, to order himſelf a pint of beer, at my expence, he went and ordered it, it was brought over to him, I gave him ſome bread and cheeſe; I got up to wait upon a cuſtomer that came in, I ſaw him bruſh quick out of the ſhop; as ſoon as the perſon was gone that I was waiting upon, I went to the chimney-piece, and miſſed the watch, I had nobody with me at the time; as ſoon as my huſband came in, I told him, and he went out immediately in ſearch of him, he could not hear any thing of him; he was brought to my houſe that ſame night, about ten o'clock, by a perſon who is here, one of the officers; I am ſure he is the ſame perſon, the duplicate of the watch was found upon him by Townſend.

WILLIAM TOWNSEND *ſworn.*—I am a pawnbroker: On the 11th of November, I took this watch in of the priſoner at the bar.

Q. Did you aſk him how he came by it?—*A.* I aſked his name, and what he aſked for it, he ſaid, his name was John Moore; I took it in of him, and lent him fifteen ſhillings upon it, it was between eight and nine in the evening, *(produces the watch;)* the conſtable came to me on the Monday morning.

HENRY BATES *ſworn.*—On the 11th of November, I was ſent for to a public houſe, in Oxford-ſtreet; the priſoner at the bar was there, with four counterfeit half guineas, he ſaid, he had taken them in change of a note, from Mr. Jones; I had the four half guineas put into my hand, and I aſked him, if he ever loſt ſight of the half guineas from the time he received them of Mr. Jones, till that time, he ſaid, no; going along to Mr. Jones's, he varied in his ſtory, and ſaid, there had been two of them out of his ſight; I thought, as he had been with a girl of the town, ſhe might have ſerved him in that way; I went and took the girl to the watch-houſe; then I went with the priſoner to Mr. Jones's, when I knocked at the door, he made his eſcape into ſome unfiniſhed buildings, there we were in ſearch of him for a conſiderable time, and at laſt gave him up, and then a woman gave me information, that ſhe had ſeen him in the back part of the buildings, and upon ſomething that I ſaid, he came out, and I took him down to the watch-houſe, and found this duplicate upon him. *(Produces it.)*

Townſend. I have the fellow duplicate to it in my pocket, I gave it to the priſoner at the bar.

Mr. Jones. This is my watch, I know it by the day of the month upon the face.

Priſoner's defence. I received the half guineas from Mrs. Jones, ſhe gave me the watch to pawn, to get rid of the half guineas; I was a deſerter, and had

had been about with him, he wanted me to inliſt again, and I would not.

GUILTY (Aged 19.)

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury, before Mr. Juſtice GROSE.

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42. JOHN BOURNE was indicted for feloniouſly ſtealing, on the 20th of November, an iron maul hammer, with a wooden handle, value 3s. the property of John Morley, Miles Rowe, Thomas Old, and Samuel Boddington.

JEREMIAH HEDLEY *ſworn.*—Meſſrs. Morley, Rowe, Old, and Boddington, are partners in ſhipping; I delivered that maul to Meſſrs. Morley and Boddington's ſervant for the uſe of a ſhip that belonged to them all.

RICHARD HATTAM *ſworn.*—I was at work in a pit, at Shadwell-dock; I ſaw the priſoner take a maul, I knew nothing of him before, he took it from the end of our pit.

Q. What time of the day was it?—*A.* I cannot tell; I directly told my mate of it, and we purſued after him, and overtook him, we found it in his pocket, I do not know rightly whoſe hammer it was.

Q. Whoſe was the pit where it was lying?—*A.* Mr. Fletcher's.

Q. Had Meſſrs. Morley, Rowe, Old, and Boddington, any thing to do with it?—*A.* Not with the pit.

Q. Was it their dock?—*A.* No, no further than having ſhips in it.

—— MEE *ſworn.*—Q. Whoſe hammer was this?—*A.* It was Mr. Hedley's firſt, till it was delivered on board the ſhip, for the ſhip's uſe, the ſhip belonged to Meſſrs. Morley, Rowe, Old, and Boddington; the laſt witneſs told me a man had taken it, I went after him, and took it from him.

Priſoner's defence. There was a man that had a barrow broke down, and I went and took it to mend the barrow, I intended to take it back again.

NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. Juſtice GROSE.

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43. JOHN SADLER was indicted for breaking and entering the dwelling-houſe of James Galloway, about the hour of eleven in the night of the 19th of October, with intent the goods and chattels of the ſaid James, burglariouſly to ſteal, and ſtealing therein, a cloth box-coat, value 15s. a cloth coat, value 20s. a cloth waiſtcoat, value 10s. and a pair of velveret breeches, value 5s. the property of the ſaid James, ſeven linen ſhirts, value 30s. a cloth ſurtout coat, value 30s. a cloth coat, value 15s. two cloth waiſtcoats, value 15s. a jean waiſtcoat, value 5s. a pair of corderoy breeches, value 10s. two pair of ſilk and cotton hoſe, value 5s. ſix pair of cotton hoſe, value 15s. a piece of linen, value 1s. four cambrick handkerchiefs, value 4s. four muſlin handkerchiefs, value 4s. and a ſilk and cotton handkerchief, value 2s. the property of Edward Brazier.

EDWARD BRAZIER *ſworn.*—I am a coachman to Mr. Galloway, who keeps a houſe in Gower-ſtreet, Bedford-ſquare; the property was in a ſtable adjoining the houſe, they are connected together by a wall: On Thurſday, the 19th of October, between nine and eleven o'clock I came home; a little before eleven, I found the ſtable-door open; I had left it at nine o'clock ſafe; I took my lanthorn, and lit the candle, I went to where I hung up my box-coat, and found it was gone; there were no marks of violence upon the door, the lock was picked; I went into my bed-room over the coach-houſe, with a candle, and found the box broke open, and all my things gone out; all the linen is mine; there were ſome horſe-cloths and other things thrown very much about.

Q. When you left the houſe at nine o'clock, it was quite dark, I ſuppoſe?—*A.* Yes, it was; I loſt the things named in the indictment, *(repeating them)*; the box-coat I have had ever ſince I have been with my maſter, which is not quite a twelvemonth.

Q. Did you make any bargain with your maſter, that you were to be anſwerable for them?—*A.* No.

Q. The coat, waiſtcoat and breeches, had you had them a year?—*A.* Yes, nearly; all the reſt belonged to me; the other things were all kept there ready to put on when I was going out; I never recovered any thing but one ſhirt.

Q. How came he to be taken up?—*A.* I was coming down from my maſter's houſe, three weeks and three days after, I heard, in Cheyne-row, a cry of ſtop thief, and I ran down to the ſtable as faſt as I could go; after I had got my ſtable-door open, I heard them run paſt the ſtable-door, juſt as I was trying to undo it; when I got it undone, they had ſtopped him, and were bringing him back again; when he was ſearched at the watch-houſe, he had got a ſhirt of mine upon his back; I ſaid, before he was ſearched, I thought it was mine; I went up to Marlborough-ſtreet, and there I took notice of it; the conſtable has got it.

Croſs-examined by Mr. Alley. Q. You ſay it was three weeks after the time the burglary was committed, that the priſoner was apprehended?—*A.* Yes.

Q. When you apprehended him, nothing was found upon him but this ſhirt, which you ſuppoſe was your's?—*A.* No; he was not ſearched till the next day.

Q. Then of courſe, he might have got rid of it before the next day?—*A.* He might, no doubt.

Q. But

Q. But he continued with this ſhirt on his back till he went to the Public office?—*A.* Yes.

Q. There was nothing broke, except the box?—*A.* No.

Q. You did not make the ſtable faſt when you went away?—*A.* Yes, as faſt as I could make it.

Q. Will you venture to ſwear that?—*A.* I will.

Q. And you thought you left it faſt?—*A.* I know I did.

Q. Was any body left in the ſtable after you went out?—*A.* Nobody at all.

Q. Mr. Galloway lives in Gower-ſtreet?—*A.* Yes.

Q. This ſtable is at the end of a garden?—*A.* Yes.

Q. Are you upon board wages?—*A.* No, I board in the houſe.

Q. Does he rent that ſtable?—*A.* No; it is his own.

Q. Had he not given it to you for you and your family to live in?—*A.* No; I have no family.

Q. I believe, after a certain length of time, the livery would have become your own?—*A.* Yes; if I had lived there a twelvemonth.

Q. Was it made for you?—*A.* Yes.

Q. How long have you been in his ſervice?—*A.* Better than three quarters of a year, not quite a twelvemonth.

Q. Is there any communication from the houſe to the ſtable, or do you go into the ſtreet?—*A.* There is a communication through the garden to the ſtables by one wall.

THOMAS SAVIOUR *ſworn.*—I am ſervant to Barrington Bergen, Eſq. On Sunday night, the 12th of November, I was going out, being a very foggy night, I took a lanthorn; going down the Mews, juſt as I got to the ſtable-door, there was the priſoner and two other men ſtanding againſt my ſtable-door.

Q. Is that near Mr. Galloway's?—*A.* I believe it is half a furlong from Mr. Galloway's; it is a ſtreet that runs acroſs the Mews; I called out to know who they were, and what they were, but they did not anſwer me; I ſuſpected they were thieves, and I went up to the next ſtable-door, and called the coachman; he got up, I told him, there were three thieves; I ſaid, there goes two; he ran after them, I went after the priſoner at the bar; he was going down the Mews, I purſued him, and he was taken; I gave charge of the priſoner to the watchman; the next morning, I went with Brazier to ſee the priſoner; he ſaid, he thought he knew the ſhirt that was upon the priſoner's back; I ſaw the ſhirt taken from him, and Brazier ſaid it was his.

Croſs-examined by Mr. Alley. Q. You do not mean to ſwear that the priſoner at the bar was one of the three men?—*A.* Yes, I do; I held up my lanthorn to his face, and ſpoke to him; and he then ran away.

Q. The man was ſtanding quietly, doing nothing, and you had the impudence to hold your candle and lanthorn to his face, and becauſe he ran away, having done nothing to you, you charged the watch with him?—*A.* Yes, I did.

VALENTINE ROMLEY *ſworn.*—I am watch-houſe-keeper of St. Giles's: On the 12th of laſt month, the priſoner was brought to the watch-houſe; Brazier and Saviour came to the watch-houſe the next morning to ſee the priſoner at the bar; Brazier touched the frill of his ſhirt, and ſaid, I think that is my ſhirt on your back; then I ſaid to the priſoner, ſtrip; he pulled off his coat and waiſtcoat, and I aſſiſted in taking the ſhirt off his back, *(produces it)*; I have kept it ever ſince; the proſecutor ſaid the ſhirt was marked, and deſcribed the marks with the two firſt letters of his name; and when he looked at it, he ſaid it was his.

JOHN PURBECK *ſworn.*—I am a coachman: On the 12th of November, a little after ten, I was alarmed by the laſt witneſs, that there were thieves, I purſued the priſoner, and took him near the bottom of Cheyne-mews; he was delivered to the watchman.

Croſs-examined by Mr. Alley. Q. You know a little about forty pounds reward, if you hang this man?—*A.* If I hear a cry of ſtop thief, I have a right to ſtop the man.

Q. Give me a ſtrait anſwer, do you know any thing of a reward?—*A.* I have heard ſuch a thing, but never was on ſuch a thing.

Q. Do not you expect your ſhare of it, if you can hang the poor fellow?—*A.* Juſt as the Juſtice pleaſes.

JOSEPH SALES *ſworn.*—I am ſervant to captain Gardiner, in Cheyne-ſtreet, Bedford-ſquare: I was coming out of my ſtable, at ten o'clock, and I ſaw the priſoner and two men, I ſpoke to them, and nobody anſwered; I went to the Goat, in Cheyne-ſtreet, and got two men to go with me, to ſee what they were after, and going along, we heard a cry of ſtop thief, and ſaw him taken.

Mr. Alley. Q. Had the man done any thing to you?—*A.* No.

Q. Do not you expect a ſhare of the reward?—*A.* I expect it if I have a right to it.

THOMAS CAREY *ſworn.*—I was calling ten o'clock on the 12th of November, I heard a cry of ſtop thief; I purſued the priſouer; he was taken before I came up, and they gave me charge of him; I took him to the watch-houſe.

MATTHEW WINTHROP *ſworn.*—I am coach-man to Mr. Perks; on the 12th of November, I went paſt my ſtable at the time of the cry of ſtop-thief, I did not ſee him; the next morning, the

13th,

13th, when I opened the ſtable door, I ſaw two picklock keys upon the dunghill, juſt by my ſtable door, and one on the pavement; I tried the keys with ſeveral of the doors, and they opened Mr. Bergen's, and Mr. Galloway's ſtables, as well as if they had been made for the locks.

Croſs-examined by Mr. Alley. Q. You found two keys exactly in the way of the men who ran by?—*A.* Yes.

Q. You were in your ſtable, were not you?—*A.* No.

Q. Did you ſee them run?—*A.* No.

Q. And yet you mean to ſwear which way he ran?—*A.* To be ſure, I could hear whether he ran down the Mews or up.

Q. You expect a ſhare of this reward too, do not you?—*A.* No, I want no ſhare at all; I did it for the good of my country.

Brazier. This is my ſhirt, it is marked E. B.

Mr. Alley. Q. This was three weeks after you had loſt it?—*A.* Yes.

Q. Can you read?—*A.* A little, and I can write, but not very much.

Q. I am ſure you will not undertake to ſwear, when you are no great ſcholar, to two letters?—*A* Yes, I will.

Court. Q. Were theſe two letters worked in the linen, or ſtamped?—*A.* Worked in the linen, in blue.

Q. You do not look at theſe letters very often?—*A.* Yes, every time I put them on; if they came before my eyes, I could not help looking at them.

Q. Do you know that that man is trying for his life?—*A.* Yes.

Q. And yet you mean to ſwear to two letters not made by yourſelf?—*A.* Yes.

Q. You ſearched the priſoner's houſe, I believe?—*A.* Yes; with a runner.

Q. And found nothing at all?—*A.* Nothing; it was at his mother's houſe, ſhe ſhewed us his bed room.

Priſoner's defence. I bought the ſhirt, and paid ſix ſhillings and ſixpence for it.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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44. ISAAC ALDRIDGE was indicted for feloniouſly ſtealing, on the 8th of November, a cloth coat, value 2s. a leather pocket-book, value 12d. and a Bank-note, value 1l. the property of Charles Weſton.

CHARLES WESTON *ſworn.*—I live at the Hermitage: On the 8th of November, I loſt a cloth coath, a pocket-book, and a one pound note, I do not know where I loſt them from; I followed the priſoner, and took them from under his arm in Virgin's-court. *(Produces the property.)*

Q. Is that your coat?—*A.* Yes; the pocket-book was in the coat, with the Bank-note in it.

THOMAS SCOTT *ſworn.*—I was at a public-houſe, when Weſton brought the priſoner in with the property, nothing paſſed between them.

JOHN HODGES *ſworn.*—I keep the public-houſe that the priſoner was brought into by the proſecutor; Weſton had his coat under his arm, the priſoner ſaid, he had found it.

Priſoner's defence. I picked the coat up by a gateway, and this young man came up and ſaid, it was his; I ſaid, if it was his, he might have it, I gave it him directly.

Weſton. When I pulled off my coat, I threw it down in the yard, or any where, I took him about two hundred yards from the yard.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. Baron PERRYN.

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45. MARGARET FENNILY was indicted for feloniouſly ſtealing, on the 11th of November, a ſilk handkerchief, value 2s. the property of William Ward.

(It being a ſlight caſe againſt the priſoner, the Counſel for the proſecution declined offering any evidence.)

NOT GUILTY.

Tried by the London Jury, before Mr. RECORDER.

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46. JOHN NEWELL was indicted for feloniouſly ſtealing, on the 30th of November, a pewter quart pot, value 10d. the property of Richard Duffin.

RICHARD DUFFIN *ſworn.*—I live in St. Martin's-lane, I keep the Antigallican; I know nothing of the robbery.

ELIZABETH GOLDBY *ſworn.*—I am ſervant to Mr. Duffin; laſt Thurſday week, between two and three o'clock, the priſoner came in for a pennyworth of twopenny, and I gave it him in a half-pint pot, that is all I know of it.

JOHN CLARKE *ſworn.*—I am a city-marſhalman; I was in Thames-ſtreet, the priſoner was going out of Thames-ſtreet, when ſomebody ſaid to me, that man has got ſome ſtolen property, that might be five hundred yards from Duffin's houſe; I took him into the houſe, and ſearched him; I found upon him four penny pots, and this quart pot, one of the penny pots was in the quart, they were in his different pockets; upon the quart pot was the name of Duffin, and I went to his houſe to tell him of it, the priſoner made excuſe that ſomebody had put them into his pocket.

Goldby. The marſhalman brought me back a pot,

pot, which is Mr. Duffin's, it is marked with his name, the ſame as all our pots are, we did not miſs it till it was brought back.

Q. (To Duffin.) How long have you kept this houſe?—*A.* Between ten and eleven years.

Q. Is this a new or an old pot?—*A.* It is an old pot.

Q. How long before this had you ſold any pots?—*A.* Eighteen or twenty months; when they get old and run, we ſell them, and get new ones in their room.

Q. Is that pot in ſuch a ſtate, that you would have ſold it?—*A.* No, I ſhould not.

The priſoner did not ſay any thing in his defence.

GUILTY (Aged 55.)

Confined ſix months in the Houſe of Correction, publicly whipped and diſcharged.

Tried by the London Jury, before Mr. RECORDER.

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47. ELIZABETH MOORE was indicted for feloniouſly ſtealing, on the 16th of November, two pewter quart pots, value 3s. 6d. and four pewter pint pots, value 4s. the property of William Blake.

WILLIAM BLAKE *ſworn.*—I keep the Star, No. 31, Alderſgate-ſtreet: On the 16th of November, I loſt two quart and four pint pots; I had ſeen the priſoner in the houſe two or three times that day, I ſaw her about four o'clock, and I ſaw her again at ſix; I do not know any thing of her taking the pots, I ſuſpected her, and followed her to her lodgings, to enquire for a quart pot of mine that I had miſſed; I charged her with taking that pot, and ſhe denied it; I looked round, and I found a pot and a pint concealed in the bed; I looked in another part of the room, and found another quart and a pint concealed ſeparately; I ſent for an officer, and I ſaw him find two pint pots, one was in a frying-pan, in the corner; the pots are in Court, they have all my name upon them, except one, which was a pot belonging to a cuſtomer of mine.

THOMAS PHIPPS *ſworn.—(Produces the pots.)* I am a conſtable; I found theſe pots at the priſoner's lodgings, and this large lump of pewter in a melted ſtate, *(produces it;)* there are five of the pots marked with Mr. Blake's name, the other is a plain pot with a mark of a ſtar upon the ſide; I found two of the pots in the chimney corner, by the ſide of this frying-pan, *(producing it;)* I deſired Blake to hold her while I ſearched, and ſhe made her eſcape from him; when I apprehended her that ſame evening, ſhe ſaid, the melted pewter did not belong to her, ſhe did not know how it came there; I found out a ſort of cupboard, and I went into it upon all fours, and at the other ſide there was a door into another room, and a man came up, and aſked me what I wanted there.

Q. Do you know the man?—*A.* Yes; he is a news-carrier, he has lived there twelve years, I know him very well.

Q. Do you know of your own knowledge, that they are ſeparate apartments?—*A.* Yes.

JOHN HALESWORTH *ſworn.*—I am a porter: I was with the laſt witneſs when he apprehended the priſoner, both times, I was preſent when theſe things were found.

THOMAS BROWN *ſworn.*—I am a victualler: I know nothing at all of the circumſtances, except that there were four of my pots found in a privy adjoining this woman's houſe. *(The pots were depoſed to by the proſecutor).*

Blake. I miſſed, in the courſe of that fortnight, three dozen and upwards of pots; theſe are almoſt new pots.

Priſoner's defence. I have dealt with Mr. Blake for ſpirituous liquors, and porter and twopenny, for ten years; the houſe is full of lodgers, and I have no key to my room; there was no hole through to the next room till Phipps broke a way through.

GUILTY.

Tranſported for ſeven years.

Tried by the London Jury, before Mr. RECORDER.

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48. JOB POWELL was indicted for feloniouſly ſtealing, on the 6th of November, three pounds weight of tallow, value 1s. 3d. the property of William Field, and George Field.

JAMES COLLINS *ſworn.*—I am ſervant to William and George Field: I caught the priſoner in Mr. Field's warehouſe, on the 6th of November; I aſked him if he was employed in work there; he ſaid, no; he ſtood by a caſk of tallow; I put my hand upon his pocket as he went out of the warehouſe, and I found tallow in his pocket, about three pounds; we ſent for a conſtable, and he took the property out of his pocket.

WILLIAM BALL *ſworn.—(Produces the tallow);* I am a conſtable: On the 6th of November I was ſent for to the proſecutor's houſe; I ſearched the priſoner, and took this tallow out of his pocket, it is of the ſame quality with that in the caſk; he confeſſed at the Manſion-houſe that he had taken it out of the caſk.

Priſoner's defence. I was looking out for work, and going over the wharf I picked it off the ground, and took it for my own uſe.

The priſoner called two ſerjeants, and one other witneſs, who gave him a good character.

He was recommended to mercy by the Jury, on account of his good character.

GUILTY (Aged 27.)

Confined three months in Newgate, and delivered to his ſerjeant.

Tried by the London Jury, before Mr. Baron PERRYN.

49. JAMES

49. JAMES STARLING was indicted for feloniouſly ſtealing, on the 30th of October, fifteen tallow candles, value 1s. the property of George-Harvey Thompſon.

GEORGE-HARVEY THOMPSON *ſworn.*—The priſoner was my apprentice: In the morning of the 30th of October, when I came down, I felt in a baſket, which was in the paſſage, that was kept for carrying foul linen backwards and forwards; I put my hand into the baſket, and found fifteen candles, which I had marked, in conſequence of ſuſpecting the priſoner; the baſket was directed to his mother or father, I cannot ſay which; between eight and nine, the errand-cart paſſed my houſe; the candles were in the baſket all the day; I left the parlour, and ſaw him delivering them to the cart, I immediately caught hold of the baſket, and ſaid I would look into it before it went; I ſent for an officer to examine it; the officer unſewed the baſket, and found the candles in it; I ſaid, I believed them to be mine; I aſked him where he had got thoſe candles; he ſaid, that they were mine, and that that was the firſt time he had done it.

Mr. Knowlys. Q. This is a very young lad?—*A.* I ſhould ſuppoſe about eighteen or nineteen.

Q. He has not ſerved above half of his time?—*A.* He has ſerved five years of his time.

Q. Has he been with you all thoſe five years?—*A.* Yes.

THOMAS SAPWELL *ſworn.*—I am an officer: I was ſent for on Monday, the 30th of October, about nine at night; Mr. Thompſon deſired me to ſearch this baſket, which I did, and at the bottom of the baſket, I found theſe fifteen candles. *(Produces them).*

Thompſon. Theſe are the candles that I marked, I marked them by putting in a pin with the head off.

THOMAS THOMPSON *ſworn.*—I made another mark upon theſe candles, they are the ſame.

The priſoner called Thomas Briggs, who had known him five years, and gave him a good character.

GUILTY (Aged 19.)

Privately whipped, and diſcharged.

Tried by the London Jury, before Mr. Baron PERRYN.

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50. JOHN COVINGTON was indicted for feloniouſly ſtealing, on the 1ſt of December, a cloth great coat, volue 10s. the property of John Daniel.

JOHN DANIEL *ſworn.*—I am a waggoner: I went into the Bull, at Potter's Bar, to get ſome beer, and when I came out, the coat was gone; the priſoner was taken with the coat upon his back, I was not preſent; I know nothing of the priſoner.

JOHN TOMLINSON *ſworn.*—The priſoner was at our houſe; I had ſome diſtruſt of him; I purſued him, and took him, with the coat upon his back.

JOSEPH INWARDS *ſworn.*—I am an officer; the Magiſtrate ordered me to take care of the coat till the trial; I have had it ever ſince.

Proſecutor. This is the coat I loſt, I know it by three odd buttons, and a tear in the tail of it.

Mr. Knapp. (To Tomlinſon). Q. How far had the priſoner got when you ſtopped him?—*A.* About half a mile.

Q. Had you reaſon to believe the priſoner was in his ſenſes?—*A.* I do not know; I never ſaw him before; I kept him all night; I did not ſee any thing the matter with him.

Priſoner's defence. I picked up the coat on the road, and put it on my back; I did not know whoſe it was; I gave it to the waggoner directly, when he aſked me for it.

For the Priſoner.

ARTHUR COVINGTON *ſworn.*—I am father to the unfortunate man at the bar; he has been twice confined in Bedlam; ſeven or eight months the firſt time, and near a twelvemonth the ſecond time.

Q. When was the laſt time he was in Bedlam?—*A.* Three years and a half ago.

Q. Has he been living with you ſince he has been out of Bedlam?—*A.* The laſt time he has not been with me much; he was away two years without my ſeeing him; he came home to me about this time laſt December, he ſtaid with me a week, and ſeemed to be deranged in his mind, unſettled; he never gets any reſt or ſleep for weeks together.

Q. Have you endeavoured to put him in a way of getting his living?—*A.* Yes.

Q. Has he not been diſcharged before two Courts of Juſtice?—*A.* Yes; at Hertford and Maidſtone.

Q. And it was recommended that he ſhould be delivered over to his friends to be taken care of as a lunatick?—*A.* Yes.

WILLIAM HOWKINS *ſworn.*—I am one of the keepers of Bedlam; I know the priſoner very well, I have had twice the care of him, it was almoſt a twelvemonth laſt time, but he was very bad indeed a great part of the time; afterwards he got well and was diſcharged.

Q. You have no doubt, whether he was in a ſituation fit to be put there?—*A.* He was as bad as a man could be at times, both times that he was put in.

Q. *(To the father.)* Had he at any time received any injury in his head?—*A.* Yes; his maſter at Cheſhunt happened to hit him with a heel of a ſhoe, and made three marks of the nails in his head, and after that he was ſent to Bedlam.

NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. Baron PERRYN.

51. THOMAS

51. THOMAS HILLIER was indicted for feloniouſly ſtealing, on the 8th of November, eighty-ſeven yards of printed calico, value 10l. three yards of cotton cambrick, value 7s. and five linen handkerchiefs, value 5s. the property of George Jeremy.

(The caſe was opened by Mr. Watſon).

GEORGE JEREMY *ſworn.—Examined by Mr. Watſon.* I am a linen-draper, in Southampton-ſtreet; the priſoner lived with me as a porter, between four and five months: On the 6th of November, in the evening, about ſeven o'clock, I ſent him with a parcel of goods to Mr. Marſhall's, an upholder, in Gerrard-ſtreet, Soho; the priſoner came back, and ſaid he had met Mr. Marſhall's porter, who informed him that he was coming to my houſe for the parcel; I aſked him if he knew the porter, and he ſaid, he thought he had ſome faint knowledge of him; I aſked him if he was ſo fooliſh to deliver the parcel to a man he had a faint knowledge of only; and he ſaid, he believed it was Mr. Marſhall's porter; next evening, I had ſome ſuſpicion of him, and I aſked him to go with me to Bow-ſtreet, to give a deſcription of the perſon he delivered the parcel to; and his confuſion appeared ſo great, that it raiſed my ſuſpicion; and the following morning, I went up ſtairs with him and ſome other perſons, and inſiſted upon ſearching his box; he at laſt complied, and unlocked the box himſelf.

JOHN JEREMY *ſworn.*—I am aſſiſtant to Mr. Jeremy; the priſoner was our porter, he was taken to Bow-ſtreet on the evening of the 7th of November; on the morning of the 8th, I was deſired to go up ſtairs with the priſoner, and another perſon, he opened his box, and there I found the goods named in the indictment, which are now in Court, they have been in our back ſhop ever ſince; I wrote my name upon the end of each of them that I might be able to ſwear to them again, *(looks at them)*; all theſe articles were taken out of his box, I miſſed them, they exactly correſpond with the number of yards in the indictment, I know we had the ſame patterns in the ſhop; all the printed callicos I can ſwear to, they have Mr. Jeremy's private mark upon them; and the handkerchiefs have Mr. Jeremy's private mark upon them.

Croſs-examined by Mr. Knapp. Q. Are you a relation of Mr. Jeremy's?—*A.* Yes; a nephew.

Q. Your's is a very conſiderable ſhop?—*A.* Yes.

Q. And a ſhop for faſhionable articles?—*A.* If the ladies that come to the ſhop think them ſo, we are very well contented.

Q. How ſoon do you put your private mark upon your articles, when they come into the ſhop?—*A.* The day they come in, if we have time, unleſs they are goods that Mr. Jeremy has printed himſelf, and they have his name upon them.

Q. I take it for granted, the private mark is delivered to your cuſtomers with the goods?—*A.* Sometimes we cut the private mark off.

Q. And the ſame patterns you have delivered out to cuſtomers before now?—*A.* I dare ſay we have.

Q. You do not cut off your private mark?—*A.* Not always, it is not a rule with us.

Q. There were more of the ſame parterns in the ſhop?—*A.* There might be another part of the piece.

Q. A part of the ſame piece you might have ſold before?—*A.* It is not impoſſible.

Q. Will you ſwear that you have not ſold ſome of the ſame pattern of the pieces you have produced?—*A.* No, I cannot.

Q. Then I take it you might have ſold it?—*A.* It is impoſſible in our line of buſineſs to know all theſe things.

Q. It is impoſſible for you to know exactly, till you count up at the end of the day, how much you have ſold of each piece, you having a very large buſineſs?—*A.* No.

Q. Can you tell at the end of the next day?—*A.* No.

Q. How often do you take ſtock?—*A.* Once a year.

Q. Is there any thing in any of theſe patterns, that you can tell me you had ſold no part of the pieces to which they belong?—*A.* Yes, I can.

Q. This is a very uncommon pattern, is it not?—*A.* Not ſo uncommon but there may be more in London.

Q. There is nothing particular in the pattern, is there?—*A.* No; it has two fag ends to it, therefore we have never ſold it.

Q. How long have you lived with Mr. Jeremy?—*A.* I came to him in June laſt.

Q. In the courſe of that time, have you ſeen but one piece of that pattern?—*A.* Yes; more than that, two or three, perhaps.

Mr. Watſon. (To George Jeremy). Q. Are you able to ſay when you laſt ſaw theſe articles in the ſhop?—*A.* I cannot.

Mr. Knapp. Perhaps it might be a week or two?—*A.* It might.

Q. When did you laſt take ſtock?—*A.* In July, 1796.

Q. So long ago as July, 1796?—*A.* I have within theſe three months taken ſtock, I think it was the ſeventh of October

Q. Do not you generally ſell goods with the fag end to them?—*A.* Yes.

The priſoner did not ſay any thing in his defence, but called John Slade, Eſq; Henry Sedgwick, Eſq; and eight other witneſſes, who gave him an excellent character.

GUILTY of ſtealing goods, to the value of 39s.

Confined

Confined twelve months in the Houſe of Correction, and fined 1s.

Tried by the firſt Middleſex Jury, before Mr. Baron PERRYN.

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52. WILLIAM LUCAS was indicted for feloniouſly ſtealing on the 24th of October, a feather bolſter, value 3s. a feather pillow, value 2s. fifty pounds of feathers, value 30s. two linen ſheets, value 4s. 6d. a woollen blanket, value 3s. three prints, framed, value 3s. a copper ſaucepan, value 3s. 6d. a pair of bellows, value 2s. a copper tea-kettle, value 2s. a braſs ſtew-pan, value 12d. an iron trivet, value 6d. a flat iron, value 6d. part of a pewter diſh, value 1d. a pail, with an iron hoop, value 6d. a looking-glaſs, value 12d. and an iron key, value 3d. the property of William Price, in a lodging room.

WILLIAM PRICE *ſworn*.—I live at No. 9, Dove-court, Petticoat-lane; the priſoner at the bar, and his wife, took a room of me, on the 29th of September; all the property that I have named in the indictment was in the room when I let it to him; he ſtaid till the 29th of October; he went away, and took the key with him, without giving me notice; I heard no noiſe up ſtairs, I got an officer, and went into the room with a lodger of mine, and found the room almoſt ſtripped, and the priſoner and his wife gone; I have never recovered any of my property again, only I have ſeen a picture ſince, at a broker's door that I thought was mine, but I could not ſwear to it; I found the priſoner on Tueſday laſt, in Clement's-lane, and his wife I found in White-friars; I found him at a public-houſe warming himſelf; I had an officer with me, and we took him to the magiſtrate's.

SARAH LEE *ſworn*.—I went into the room with Mr. Price, and every thing in the room was gone; I knew every thing there was in the houſe, I had lived in the houſe twenty years; the things named in the indictment were all in the room when the priſoner became a tenant.

Q. Are you any relation to the proſecutor?—*A.* No, no relation at all.

Priſoner's defence. I did it through diſtreſs, and have nothing farther to ſay, than plead the mercy of the Court and Jury.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury, before Mr. Baron PERRYN.

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53. WILLIAM MURRELL was indicted for feloniouſly ſtealing, on the 21ſt of November, a ſilver table ſpoon, value 10s. two ſilver tea ſpoons, value 5s. a half-crown, three ſhillings, and a ſixpence, and one hundred and twenty halfpence.

GEORGE MEDHURST *ſworn*.—On the 21ſt of November, I was ſitting, about a quarter before ſix, at my own houſe, drinking tea, I am a paſtry-cook and confectioner, in St. Martin's in the fields; I was alarmed by my ſiſter, who lives with me, that a man had come into the ſhop, and taken out the till; I went into the ſhop, and ſhe ſaid, the man was gone acroſs the road; I immediately ran acroſs the ſtreet, up St. Martin's-lane, and up New-ſtreet, Covent-Garden, and at the top of Bedford-bury, I ſaw the priſoner coming up with two men, with the till under his arm, with an apron caſt ſlightly over the till, he had not caſt it over the back part of the till, I ſaw it under his arm, I jumped acroſs the road, and collared him, and as I collared him, he jumped forward, and I holloaed ſtop thief, by his jumping forward, he kicked the till out in the road, but I never let go of him till he threw away the till, and, after ſome tuſsling, I got him back to the till, I got ſome perſon to pick up the money, I picked up the ſpoons myſelf, as I had him in my hand; I never left him till I brought him home to my houſe, and charged the conſtable with him, *(produces the ſpoons;)* they are my ſpoons, I know them by the creſt, they were in the till.

Q. Did the perſons that were with him, aſſiſt him at all?—*A.* No; but when I laid hold of him, he ſaid to the others, I think, with an oath, why don't you fetch him down, they were youngiſh men, but I did not take particular notice of them.

ANNA-MARIA MEDHURST *ſworn*.—I live with my brother.

Q. Do you remember the priſoner coming to your houſe at any time?—*A.* I cannot remember his face; on the 21ſt of November, I was in my brother's ſhop, I heard a noiſe, I was drinking my tea, I turned round and ſaw a man go out.

Q. Could you at all ſee the ſize of the man that went out?—*A.* No; I immediately rang the bell, I ſaw him croſs the road, and my brother and ſiſter came down; I told him the till was gone, and my brother went after him; I did not know what was in the till, I know theſe to be my brother's ſpoons.

Priſoner's defence. I was going home to my lodgings up Bedford-bury, and this gentleman collared me, and ſaid, I had dropped his till; I did not know any thing at all of the till, I never ſaw the till, I had nobody at all with me, I was going about my buſineſs; I am an American, my friends are 3500 miles from here.

GUILTY (Aged 17.)

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice GROSE.

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54. HANNAH WRIGHT was indicted for feloniouſly

felonioufly ſtealing, on the 22d of November, five yards of printed cotton, value 10s. the property of Jehu Briggs.

JEHU BRIGGS *ſworn.* — I am a pawnbroker: On Wedneſday the 22d of November, I loſt a piece of printed cotton; the priſoner came to my ſhop a little after two in the afternoon, to take out a white apron for another perſon; a friend came in, and I went into the parlour, I was not gone half a minute, when I returned, ſhe appeared very much confuſed, and threw her gown over her apron, as if ſhe had ſomething underneath it; I ſerved her, looking round the ſhop, not miſſing any thing, I ſuffered her to go away; I looked out, ſhe ran very faſt down the ſtreet, I called my young man, and he miſſed a piece of cotton, and I went immediately in purſuit of her to her lodgings, ſhe was not returned home; I ſent a conſtable after her, down Cow-croſs, and he found her at a pawnbroker's endeavouring to pawn it.

BENJAMIN ——— *ſworn.*—I am an officer: I ſaw the proſecutor and his man running; I aſked what was the matter; he ſaid he had loſt a piece of cotton; I went in purſuit of her, and found her in Mr. Hankinſon's ſhop, endeavouring to pledge it; I told her ſhe had taken it from Mr. Briggs's; I immediately took her and the property to Mr. Briggs; he ſaid it was his, *(produces it)*; it has been in my poſſeſſion ever ſince.

Briggs. This is the piece of cotton that I loſt, the mark is taken off, but I am ſure it is my cotton; it is ell-wide cotton.

—— HANKINSON *ſworn.*—I am a pawnbroker: On the 22d of November, the priſoner brought me a piece of cotton to pledge, containing five yards; this is the cotton that ſhe offered me; while I was aſking her how ſhe came by it, the officer came in and took her.

The priſoner did not ſay any thing in her defence. GUILTY (Aged 40.)

Confined ſix months in the Houſe of Correction, and fined 1s.

Tried by the firſt Middleſex Jury, before Mr. Baron PERRYN.

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55. JOSEPH MILLER was indicted for breaking and entering the dwelling-houſe of Joſeph Stevenſon, about the hour of three in the night of the 23d of October, with intent to ſteal, and ſtealing a leg of pork, value 3s. a caſk bound with iron, value 1s. ten gallons of Britiſh geneva, value 40s. and a ſilk handkerchief, value 2s. the property of the ſaid Joſeph; and a white muſlin handkerchief, value 1s. the property of Ann Willis.

JOSEPH STEVENSON *ſworn.*—I live in King-ſtreet, St. George's in the Eaſt: My houſe was broke open on the night of the 23d of October, as nigh as I can gueſs, at three o'clock in the morning, I heard ſome kind of noiſe in the houſe at the time; I ſaw my windows ſafe over night, the cellar-window and all was faſtened; when I came down in the morning, about ſix o'clock, it was juſt light, when I found the cellar-door open, leading into the kitchen, and the cellar window-ſhutter open; I went down and miſſed a leg of pork, half a cheeſe, ſome bread and cold meat, ready dreſt; I then miſſed ſome gin, I cannot tell exactly the quantity, but I think as near ten gallons as poſſible; I miſſed a caſk which held about five gallons, the reſt muſt have been put into ſomething elſe; I miſſed, but I cannot ſay whether I loſt them that night, a coloured handkerchief or two, out of the kitchen; a chiſſel, that will be produced, exactly fitted the marks of the cellar-window where it was broke open; they had made free to eaſe themſelves in the cellar.

ANN WILLIS *ſworn.*—I am ſervant to Mr. Stevenſon: On the 23d of October, I went with him and faſtened the cellar-window; I went to bed about half paſt eleven o'clock, I did not hear any noiſe in the night; I got up about ſeven o'clock in the morning, I miſſed the articles which my maſter has mentioned, and a white muſlin handkerchief of mine that I had been waſhing the day before.

ROBERT BROWN *ſworn.*—I am a conſtable; I received an information, in conſequence of which I went, in company with Holebrook and Cook, on the 9th of November, about nine o'clock in the evening, to the Unicorn, in New Gravel-lane, about a quarter of a mile from Mr. Stevenſon's; we apprehended the priſoner at the bar, and aſked him where his lodgings were; we went there, and in his lodgings I found this chiſſel, and a box containing tinder, ſteel, flint, and matches; I aſked him whether it was his property; and he told me, yes; on the 12th of November, I went to Mr. Stevenſon's, his wife ſaid, there was a mark upon the cellar-door, I tried it with the chiſſel, and it fitted exactly the marks made in the door-poſt; on the 25th of November, I went to the houſe of Mrs. Battle, where the priſoner lodged, and found this muſlin handkerchief in Mrs. Battle's apartments, not in the priſoner's; Mrs. Battle, and the handkerchief, were brought to the office; then I received the handkerchief, and have had it in my cuſtody ever ſince.

SARAH BATTLE *ſworn.*—The priſoner lodged at my houſe, he went out to tide's-work, or any thing he could get, he had lodged with me about a fortnight before he was taken up, he was taken up on Lord-Mayor's-day; he never ſtaid out all the time he was with me after ſeven o'clock, or half paſt ſix, I never heard him get up in the night; this handkerchief the priſoner had round his neck.

Q. How

Q. How long before he was taken up did you ſee it round his neck?—*A.* I cannot ſay; the priſoner ſat down by my fire-ſide, after he came from work, the very week he was taken; I ſaid to him, Joe, how dirty that handkerchief is that you have got on, pull it off, it was as black as my hat; and he ſaid, he had never another to put on; I pulled a ſhawl off my own neck, and lent it him while I waſhed his handkerchief; I waſhed it, and he told me he had got my ſhawl tore, he had not wore it; after I had waſhed it, when it was found by the conſtable, he told me he had given Bob Richardſon ſixpence for it.

Willis. This is my handkerchief, I know it by the hem on each ſide; it is partly hemmed on one ſide, and partly on the other, and there is a tear at one corner; I hemmed it myſelf.

Priſoner's defence. I bought the handkerchief of a young man for ſixpence.

Q. *(To Battle.)* Had the priſoner any gin at your houſe?—*A.* I never ſaw him have any thing of that ſort in my life.

NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. Juſtice GROSE.

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56. HENRY CAM was indicted for feloniouſly ſtealing, on the 26th of October, 28 pounds of raw ſugar, value 14s. the property of John Blake, and others, the gangſmen of Botolph-wharf.

THOMAS SPINNEY *ſworn.*—The proſecutors are gangſmen, belonging to Botolph-wharf: On the 26th of October laſt, between five and ſix in the evening, I was going to lock up the gates of the wharf, and ſaw two or three men run away from the area, which made me ſuſpect there was ſomething amiſs; I tried the lock down the cellar, and found that faſt and ſafe; I then went and acquainted the clerk of the wharf, that I ſaw theſe men run away from the area, and got a lanthorn, to ſee if any thing was amiſs; I went along with another perſon, I found that a piece of one of the flaps of the cellar had been knocked off, there was juſt room enough to admit a hand in; I put my hand in, and found one flap was unbuttoned, unbolted; we took up the flaps and went down, and there was a hogſhead of raw ſugar with the head knocked in; there was a great deal of it ſpilled about, and we found the priſoner in the cellar; he immediately jumped out, and attempted to get out of the cellar, but the man that was with me ſtopped him, and he was taken to the Compter; I did not ſearch him, I aſked him, how he came there; he ſaid, he was going to night-work, and as he was coming along, ſomebody ſhoved him into the cellar; after he was ſecured and taken to the Compter, the firſt thing in the morning, we looked about, and found a bag with ſugar in it, and ſeveral more bags that had had ſugar in them, cloſe to where I found the other bag.

JOHN BLAKE *ſworn.*—I am a gangſman: we take care of merchants' property; and what deficiency there may be, we muſt make it good.

Q. Are you reſponſible for the ſugar in the cellar the laſt witneſs ſpoke of?—*A.* Yes. There is no communication with the cellar but through this flap; it had been wrenched, and the man muſt have been there all night, for he could not get out when the man locked up the gates.

Q. When had you laſt ſeen the cellar ſafe?—*A.* Not for two or three days before; that cellar was faſt, and nobody goes into it but me; there was but one hogſhead in that cellar that was drawn, and we do not go there for a fortnight together, ſometimes; the next morning, when I came, after this happened, I miſſed two hundred weight and three quarters; we found a quarter of a hundred in a bag in the cellar. *(The conſtable produced the bags and the ſugar).*

Blake. This is the ſort of ſugar that was in the cellar; all the bags that we found had had ſugar in them.

Priſoner's defence. I went down to eaſe myſelf; I was very much in liquor, I did not ſee this place broke; I fell down the cellar, and there I lay as I fell, for three hours.

Q. *(To Spinney).* Was he in liquor?—*A.* No; he was perfectly ſober.

GUILTY (Aged 22.)

Tranſported for ſeven years.

Tried by the London Jury, before Mr. RECORDER.

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57. JOHN SAUNDERS was indicted for feloniouſly ſtealing, on the 1ſt of December, a linen bag, value 6d. two linen ſhifts, value 2s. three linen aprons, value 3s. two pair of linen pockets, value 1s. a calico bed-gown, value 1s. two linen handkerchiefs, value 4d. two muſlin caps, value 4d. two muſlin under-caps, value 2d. two cotton ſhawls, value 1s. ſeven linen pillow-caſes, value 2s. thirteen linen ſheets, value 7s. two damaſk table-cloths, value 2s. a cotton counterpane, value 18d. four other linen ſhifts, value 4s. a calico petticoat, value 9d. two pair of other linen pockets, value 6d. a cotton cap, value 2d. a linen cap, value 2d. a muſlin ſhawl, value 6d. a huccaback napkin, value 2d. two diaper towels, value 2d. and two other linen ſhifts, value 1s. the property of George Harper.

Thomas Collins, the only material witneſs, being called, but not appearing, the priſoner was

ACQUITTED.

Tried by the London Jury, before Mr. RECORDER.

58. WILLIAM

58. WILLIAM CLARKE was indicted for breaking and entering the dwelling-houſe of William Warner, about the hour of eight in the night of the 30th of October, and burglariouſly ſtealing, a box rule, value 16d. and ſix ivory rules, value 6s. the property of the ſaid William Warner.

JAMES MACBRIDE *ſworn.*—I am ſervant to Mr. William Warner, who keeps a houſe, No. 61 and 62, Snow-hill; it was No. 61, this property was taken from; he is a bruſh-maker and turner: Between eight and nine in the evening of Monday, the 30th of October, I heard ſome glaſs fall from the ſhop-window, I was in the ſhop, and went out and found the priſoner ſtanding with his left hand in the window, and ſome goods in his right hand; when I ſpoke to him, he let them fall upon the pavement; I laid hold of him, we had a ſcuffle in the road, and in the ſcuffle I tore his coat; he got looſe, and ran down Snow-hill, and I after him; I had him down at the end of Cock-lane, I fell over him, and he got up and ran up Cock-lane, I took him in the middle of Cock-lane; I never loſt ſight of him at all; my young maſter picked up the things; I ſaw them again about three minutes after I had brought him back; there were four ivory rules and one box rule; I cannot ſwear to them, my maſter can.

Q. Was the window ſafe before you heard the glaſs fall?—*A.* Yes.

Q. How long had you ſeen it before?—*A.* About before an hour, or perhaps more.

Q. Did you ſee any glaſs about it?—*A.* I ſaw the glaſs in the window when his hand was in the window.

Croſs-examined by Mr. Alley. Q. Was there any body elſe in the ſhop but yourſelf?—*A.* There was a little boy, he is not here.

Q. You can ſee into the ſhop from the ſtreet?—*A.* Yes.

Q. There was a light in the ſhop?—*A.* Yes.

Q. And therefore he muſt have ſeen every body that was in the ſhop?—*A.* Certainly.

Q. Then if the priſoner had broke your window with intent to ſteal, he might have an opportunity of running away, upon ſeeing you come out to the door?—*A.* He might.

Q. The foot-way is always very dirty, ſlippery, and narrow?—*A.* Yes.

Q. Has it not happened continually, that people ſlip down and break the windows?—*A.* Yes, ſometimes.

Q. Theſe things were not in his hand, but upon the ground?—*A.* They were in his hand when I laid hold of him.

Q. You did not ſwear that before the Magiſtrate?—*A.* Yes, I did.

Q. If any body had fell againſt the window, theſe things would have fell into the ſtreet?—*A.* No they would not, they were lying upon the window-board.

Q. Were they an inch from the glaſs?—*A.* I cannot ſwear how far they were from the glaſs; they were upon the window-board, I am ſure it is impoſſible they could have fell out.

Q. You know this is charged as a burglary?—*A.* Yes.

Q. You know the County are to pay you forty pounds, if the priſoner is convicted?—*A.* No.

Q. You never heard ſuch a thing?—*A.* Yes; I have heard ſuch a thing.

Q. Do not you expect it?—*A.* I expect a ſhare of it, if he is convicted.

Q. It muſt have taken you ſome time to have come round to the ſhop-door?—*A.* Yes.

Q. Therefore he had abundant time to have run away before you could have come to the door to catch him?—*A.* He might.

Q. Has Mr. Warner any partner?—*A.* No.

ROBERT WARNER *ſworn.*—I am ſon to the proſecutor; I was in the back parlour of the other ſhop, and hearing a cry of ſtop thief, I ran out to ſee what was the matter; I ſaw a man come out of the cellar, that was not the priſoner; I went to the other ſhop-window, and ſaw a ſquare of glaſs broke, and ſome rules lying about the pavement; there were ſix ivory rules and a box rule; they had laid on the window-board, they have our ſhop marks upon them in my father's writing.

Q. When had you laſt been there?—*A.* About a quarter of an hour before; I picked them up, they are my father's property; I did not ſee any thing of the priſoner till he was brought back, about five minutes after, by James Macbride; after he was brought back, he ſaid, he did it by accident, he did not do it for the purpoſe; and he was in liquor at the time.

Croſs-examined by Mr. Alley. Q. Theſe rules dropped out of the window?—*A.* Yes.

Q. None of them were loſt?—*A.* No.

WILLIAM WARNER *ſworn.*—I am the father of the laſt witneſs; I was in the country at the time; the rules have my hand-writing upon them, they are all mine; I went into the country that morning; they laid upon a ſlanting board in the window, with a ledge to keep them up; they were not ſtanding againſt the glaſs.

Croſs-examined by Mr. Alley. Q. If a man's elbow had come againſt them, it would have ſwept them out?—*A.* No; it is impoſſible they could be ſwept out.

Q. How high was that ledge?—*A.* About two inches.

Q. You ſell a great number of rules?—*A.* Yes.

Q. Every thing that is in your ſhop, you mark with

with your own hand?—*A.* Every thing in the turnery way.

Q. You will not ſwear that theſe had not been ſold?—*A.* Yes, I will.

Q. You do not know what were ſold while you were away?—*A.* My ſervant knows that they were not ſold.

WILLIAM DODD *ſworn.*—I am a patrole belonging to St. Sepulchre's: I was going up Snow-hill, the priſoner was then in cuſtody in the ſhop; a charge was given to us, and we ſearched his pockets, and found ſome watch-materials in his pocket, which proved to be his own property; he went very quietly with us to the Compter.

ROBERT METCALF *ſworn.*—I am a patrole; I know no more than the laſt witneſs.

Jury. *Q.* Was he in liquor, or not?—*A.* I cannot ſay whether he was or not.

Q. Did he appear to be in liquor?—*A.* He ſeemed to me to be quite ſober.

Mr. Alley. *Q.* Upon your oath, was not the man drunk?—*A.* He did not ſeem ſo to me.

Court. *Q.* Was he ſober enough to get up and run away?—*A.* Yes.

Q. (To Robert Warner.) *Q.* Did he appear to you to be in liquor?—*A.* A little, but not much; he ſeemed rather heavy about the eyes, and ſaid he was in liquor; I am an officer in St. Sepulchre's pariſh, and I took charge of the priſoner, that is all I know.

Priſoner's defence. I went out on the Monday after my work, I met with an acquaintance of mine, who ſaid, trade was ſo ſlack that he was going to Coventry; it was about four o'clock when I met him, and I ſtaid till eight with him; when I came out of the houſe, I found myſelf very much gone in liquor, and upon Snow-hill a man laid hold of me; when I was taken I had my work in my pocket, and the key of my box; I was going home to my father's.

The priſoner called five witneſſes, who gave him a good character.

GUILTY Of ſtealing only.

Tranſported for ſeven years.

Tried by the London Jury, before
Mr. RECORDER.

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59. EDWARD JAMES was indicted for that he, on the 20th of November, upon Sarah George, ſpinſter, did make an aſſault, and her the ſaid Sarah, againſt her will, did raviſh, and carnally know.

(The Court ordered that the evidence upon this trial ſhould not be publiſhed).

NOT GUILTY.

Tried by the London Jury, before
Mr. RECORDER.

60. ROBERT ARMSTRONG was indicted for returning from tranſportation before the term for which he was ordered to be tranſported.

(John Owen produced the certificate of the conviction of the priſoner, ſigned by Mr. Shelton; it is read).

JOSEPH NASH *ſworn.*—On the 3d of December I apprehended the priſoner, in the pariſh of St. John's, Wapping; I had heard of his being tranſported, and I thought he was come back before his time; I aſked him if he had any thing to ſhew why he was at liberty before his time; and he ſaid, no, he had not.

Q. What are you?—*A.* A Trinity-officer.

Q. Is there any reward in this caſe?—*A.* I never had any; I have heard that there is.

Q. What was his anſwer when you aſked him how he came at liberty?—*A.* He ſaid, he had been taken priſoner in his paſſage to South Wales, and carried by force to a French priſon; and he ſaid, he had made his eſcape from there to America, and from there he had come to England.

Q. Did you enquire whether it was true?—*A.* No; I did not know that that was a duty incumbent upon me; I heard that he had been here five or ſix weeks, I did not enquire any further; I took him to the office in Lambeth-ſtreet.

Priſoner's defence. In 1795, I was pardoned upon condition of ſerving his Majeſty King George, in the ſixtieth regiment of foot, to go in the capacity of a ſoldier; I embarked the 14th of April, 1795; I had the misfortune to be taken by the French, and carried into Guadaloupe; they wanted to force me to ſerve againſt my country, and rather than be a traitor to my country I was determined to get my liberty, or die; here are two ſhots in my neck that I got as I was making my eſcape.

WILLIAM HOWARD *ſworn.*—I am a clerk in the Tranſport-office: I can only prove that the ſhip was taken in going to the Weſt-Indies; I know there were convicts to the number of forty-four to go in her, they were to go in the ſixtieth regiment.

Q. Can you ſay whether this man was one?—*A.* No.

(Mr. John Kirby produced a receipt ſigned by the enſign of the regiment, which ſhewed that the priſoner was one of the forty-four who went on board).

Q. Is it this ſame Robert Armſtrong?—*A.* The ſame man.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before
Mr. Juſtice GROSE.

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61. JOHN LAPPEW was indicted for feloniouſly ſtealing, on the 23d of November, a coil of rope, containing, in length, thirty fathoms, value 5s. the property of Robert Scofield.

ROBERT

ROBERT SCOFIELD *ſworn.*—There were three ſoldiers at work in my warehouſe, I was very ill at the time myſelf, the priſoner was not one of them; I know nothing of the fact.

JOHN SCOTT *ſworn.* — I was ſtanding at my door; there were three men at work in the warehouſe, one of them brought a piece of rope from the middle of the ſhop, and laid it down by the ſtreet-door; after he had laid down the rope, the priſoner was ſtanding outſide the door, and he took it up; I followed him about twenty yards, and ſtopped him; I told him he had ſtole the rope, I took him by the collar, and he threw the rope down, and then hawled me down; I got up, and took hold of the rope, and called out ſtop thief, and he was taken. *(Produces the rope).*

Q. Do you know whoſe property that rope is? —*A.* Yes, Mr. Scofield's.

Scofield. This is my rope, to the beſt of my knowledge, I had cut off ſeveral fathom the day before.

Priſoner. Scott was not preſent when I was taken.

Scott. I was the man that took him, with the rope upon him; only my being in another dreſs, very likely he does not know me.

Priſoner's defence. The rope was never in my poſſeſſion; there were two other ſoldiers ran paſt me into the Tower, juſt before I was taken.

The priſoner called his ſerjeant, who gave him a good character.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. Baron PERRYN.

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62. ANDREW LEVY was indicted for feloniouſly ſtealing, on the 4th of December, a black ſilk cloak, value 4s. a cotton gown, value 12s. a white dimity petticoat, value 3s. a muſlin apron, value 3s. and a muſlin handkerchief, value 1s. the property of Elizabeth Hughes, ſpinſter.

JAMES HUGHES *ſworn.* — I know nothing of the robbery; the priſoner lodged in my houſe at St. Paul's, Shadwell.

SARAH HUGHES *ſworn.*—I am the wife of the laſt witneſs; the priſoner was a lodger with us, he ſlept out on Saturday night laſt, he came home on Sunday evening, he went out on Monday morning, to go to work as I thought; he came again at two in the afternoon, and ſaid he would go up and lay down; he did not ſtay long before he came down again, and ſaid he wanted to go backwards; firſt he went into the yard, and then came in again through the houſe, and went out; I looked at him, and I thought he looked more bulky than when he came in, I was very doubtful if he had not ſomething more than belonged to him; I went up ſtairs, and found my daughter's box open, my daughter's name is Elizabeth Hughes; I fetched my daughter home, and ſhe examined, and miſſed the things named in the indictment; I miſſed the cloak, gown, and petticoat; my huſband and I went after the priſoner, and found him at a public-houſe, the Turk's-head, in New Gravel-lane; we took him and brought him to the Juſtice's, and there was found upon him the duplicates of the property.

EDWARD PRITCHARD *ſworn.*—I am a pawnbroker, *(produces the property;)* I took in theſe articles of the priſoner laſt Monday, the cloak in the morning, and the reſt in the afternoon of the ſame day, about four o'clock, he pawned them for eighteen ſhillings and ſixpence. *(The property was depoſed to by Elizabeth Hughes.)*

JOHN COOK *ſworn.*—I am an officer, I produce the duplicates which I found in the priſoner's poſſeſſion, and which applied to this property.

Pritchard. Theſe are the duplicates I gave to the priſoner.

Priſoner's defence. I did not take them to make away with them, becauſe I intended to take them out again, on the Saturday night.

GUILTY (Aged 38.)

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice GROSE.

Second London Jury.

Thomas Sabine,	John Beauchamp,
Charles Harding,	John Howle,
Charles Phelps,	Henry Brown,
John Prior,	Samuel Cooke,
James Vizzettee,	William Baker,
James Bacon,	William Hayward.

63. MARY STEWART was indicted for feloniouſly ſtealing, on the 2d of December, a ſilk cloak, value 20s. the property of Sarah Swanſcote, ſpinſter.

SARAH SWANSCOTE *ſworn.*—I am a ſervant out of place: On the 2d of December, I loſt my cloak from the Cock and Owl, No. 10, Creechurch-lane, Leadenhall-ſtreet, it is a public houſe, I lodged there; I went out about twelve o'clock after a place, I came home about one, pulled off my cloak, and put it upon the parlour table; Elizabeth Smith, the gentlewoman of the houſe, was going out, and begged I would take care of the houſe till her return; the priſoner at the bar came in for a pint of beer, I had ſeen her there for beer before; ſhe paid me for the beer, and I took her money, and carried it into the bar; I do not know that ſhe had any other opportunity of taking it, than while I took the money from the bar door to put it into the drawer.

ANN

ANR BROMLEY *ſworn.*—I am ſervant to Mrs. Smith, who keeps the Cock and Owl, Creechurch-lane, Leadenhall-ſtreet; the priſoner came in for a pint of beer, I went down and drew the beer, and brought it up to her, I gave her the beer, and ſhe went out very quick; I ſaw her go out at the door, and there was ſomething hanging to her pattens, I thought it was her garter; ſhe was croſſing over the kennel, I picked the ſtring up, and brought the ribbon in to Sally, this young woman, and aſked her if it was not the ſtring of her cloak, Sally ſaid, yes, and ſhe looked into the parlour out of the bar, and ſaid, my cloak is gone, go after the woman; I went out after her to where ſhe lived, in Booker's-gardens, and I aſked a young woman that was ſitting by the fire-ſide, where the woman was that came in with a pint of beer, and ſhe denied her at firſt, but I ſaid, I know ſhe is here, becauſe here is the pint of beer on the table, and while I was waiting, a young man came after me to ſee for me, and he aſked her where the cloak was; the priſoner came out of the cellar, and he ſaid, you have got the cloak, where is it; ſhe ſaid, indeed, I have not, you may ſearch me; he ſaid, it does not ſignify, for you have got the cloak; the priſoner then went down into the cellar, and brought it up, the young man went down with her..

——— *ſworn.*—I uſe the houſe, I heard the out-cry that the cloak was loſt, I went after the girl to the houſe in Booker's-gardens; I ſaid, miſtreſs, you have got the young woman's cloak, you had better give me the cloak, it will be all ſettled, and you will not be hurt; I took the cloak to the owner, and ſhe ſeemed perfectly ſatisfied.

JAMES GOBITUS *ſwsrn.*—I am a conſtable, *(produces the cloak;)* I received it from Sarah Swanſcote, I live oppoſite this public-houſe; they ſent for me, I went to Booker's-gardens and met both the other witneſſes; I aſked them which was the woman, and they took me to this houſe, which is a houſe of ill-fame; I took her to Sally Swanſcote, and ſhe gave me charge of her. *(The cloak was depoſed to by the proſecutrix.)*

Priſoner's defence. I kicked it before me, juſt by the bar door, as ſoon as I was told it was Sally's, I gave it up directly.

Court. Q. How far is the table from the bar door?—*A.* About a yard and a half.

GUILTY (Aged 40.)

Confined one month in Newgate, and fined 1s.

Tried by the ſecond London Jury, before Mr. COMMON SERJEANT.

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64. DANIEL PAYNE was indicted for breaking out of the dwelling-houſe of Edward M'Glue, about the hour of four in the night of the 28th of November, and ſtealing a woollen great coat, value 10s. two kerſeymere waiſtcoats, value 2s. two ſilk handkerchiefs, value 4s. a linen ſhift, value 3s. a linen ſhirt, value 2s. four metal candleſticks, value 5s. a copper tea-kettle, value 3s. and a pen-knife, value 2d. the property of the ſaid Edward; and the indictment further ſtated, that he being in the ſame dwelling-houſe, burglariouſly did break the ſame to get thereout.

(The witneſſes were examined apart.)

EDWARD M'GLUE *ſworn.*—I keep a houſe in an avenue, called Sharp's-alley, Smithfield; I am a cabinet-maker by trade: On Tueſday the 28th of November, in the night, I was robbed; the priſoner at the bar, in company with a woman, came the day before to take a lodging, and about five o'clock the next morning, I was alarmed that my houſe door was open, I miſſed all the things that are named in the indictment; I ſent my wife up to ſee who was gone out, and the priſoner and his wife were gone, I am ſure the priſoner is the man, he was taken up on the Friday, and ſome of the property was brought forward.

Croſs-examined by Mr. Knapp. Q. You are a cabinet-maker?—*A.* Yes.

Q. Do you follow any other line of buſineſs?—*A.* Carpentering.

Q. Any other?—*A.* No, none at all that I know of.

Q. You muſt know?—*A.* Not as I know of.

Q. You never were any thing elſe?—*A.* No, never.

Q. Were you ever in this Court before?—*A.* Yes, I was.

Q. Perhaps you were at the bar of this Court?—*A.* Yes, I was.

Q. It was a wrong accuſation, no doubt—your wife was with you, was not ſhe?—*A.* She was.

Q. What trade were you carrying on at that time?—*A.* No illegal trade, nor no practice.

Q. What were you charged with, it was very wrong I know?—*A.* If my Lord ſays it is lawful for me to tell you, I will.

Court. It is lawful.

Mr. Knapp. Q. What were you charged with, when you were at the bar?—*A.* What was I charged with, why, with robbing a man of ſome Bank-notes.

Q. A countryman, may-hap?—*A.* Yes.

Q. Was he a lodger of your's?—*A.* No.

Q. He did not ſleep in your houſe?—*A.* Yes; one night, and enjoyed his property.

Q. Not long, though it ſeems—may-hap you have lodgers in your houſe at this time?—*A.* How ſhould I know at this time in the evening—brow-beating me in this way, after I have been robbed and ſtripped.

Q. Give me a direct anſwer, have you any lodgers in your houſe?—*A.* No, I have not.

Q. How long is it ſince you had any lodgers in your houſe?—*A.* Why, laſt night.

Q. How many lodgers had you in your houſe laſt night?—*A.* How many had I, why, I had two.

Q. Men or women?—*A.* Women.

Q. Why, do you not keep a common lodging-houſe?—*A.* Yes.

Q. For

Q. For women?—*A.* Yes, for women.

Q. Was that the only time that you have been in this Court, for friſking the countryman of ſome Bank-notes?—*A.* Yes, to the beſt of my knowledge.

Q. Try your recollection now?—*A.* No, I will leave that to you.

Q. Were you ever in this Court before that time?—*A.* Have I ever been here before, yes, I have.

Q. What part of the Court had you the luck to be in then?—*A.* Where I ſtand now.

Q. Were you never at the bar but that time, when you and your wife were tried for robbing a countryman of Bank-notes in your houſe?—*A.* You will recollect it was by Clerkenwell-green that he was robbed.

Q. Oh, I beg your pardon, you took him upon the green to friſk him, did you?—*A.* The plain ſtory is, I have been robbed.

Q. Let us ſee whether you are or not, that plain ſort of man—how many times have you been at the bar of this Court?—*A.* That is not material.

Q. Oh, yes, it is, very material, you may depend upon it?—*A.* I ſhould be glad to know when you will have done with me.

Q. I dare ſay you would, but I have not done with you yet?—*A.* You will not get any thing out of me.

Q. How many times have you been at the bar of this Court?—*A.* I ſhall not tell you.

Mr. Knapp. Then I muſt apply to his Lordſhip.

Court. Q. You are bound to anſwer the queſtion?—*A.* I will not.

Mr. Knapp Q. But you muſt?—*A.* Why, I have been here twice, and if I had not been acquitted, I ſhould not have been here now.

Q. Then what did you mean by telling the Jury you had been there but once?—*A.* You want to expoſe me.

Q. Has it always been your good luck to be acquitted?—*A.* Yes.

Q. Look round a little to the right—do you know Mr. Townſend?—*A.* Yes, I do.

Q. He is a very remarkable man—upon your oath, do you mean to ſwear that you have never been convicted?—*A.* No, never.

Q. Will you ſwear that, in the face of Mr. Townſend?—*A.* Yes—the fact is, I have loſt my property.

Q. Upon your oath, have not you been convicted?—*A.* I know nothing at all about it.

Q. Upon your oath, have not you been convicted?—*A.* If you talk to me for an hour, it is of no uſe.

Q. It ſeems to be of very little uſe, for your character is ſufficiently expoſed?—*A.* That is very immaterial to me.

Q. Upon your oath, have you never been convicted?—*A.* To pleaſe you, I will ſay, I have been convicted.

Q. You know, you have indicted this man at the bar for a burglary, did not you?—*A.* I know the man is indicted.

Q. Do you not know that you have indicted him for a burglary?—*A.* Yes.

Q. Perhaps, as you have been here before, you know the ſlang phraſe a little?—*A.* No.

Q. Don't you know, that for a burglary, there is a little trifling reward of forty pounds?—*A.* I never had an inſtance of it.

Q. You never had the luck of it yet, and you won't to-day, I promiſe you—You never heard of a reward upon the conviction of a man for burglary?—*A.* I muſt be ſtupid if I had not.

Q. You came here for the public good, no doubt?—*A.* Yes.

LEVY OBORNE *ſworn.*—I belong to the Public-office, Hatton-garden: On Friday, the firſt of this month, I went to Greenwich in purſuit of the priſoner, I enquired for him in the London Militia, I found him in bed at the Crown and Sceptre, about ten o'clock; I aſked him if his name was Payne, and told him he muſt go with me; I found upon him twelve duplicates, *(produces ten of them)*, the pawnbroker has the other two; he took me to a pawnbroker's, where I found two ſilk handkerchiefs, and two waiſtcoats.

Croſs-examined by Mr. Knapp. Q. He had no woman with him when you apprehended him?—*A.* No; there was a woman taken up the ſame day as the robbery, but I do not know her name; ſhe is out-ſide the door.

Q. You know this is an indictment for a burglary?—*A.* Yes.

Q. You may, perhaps, have had a part of the reward for burglaries?—*A.* No, I never had.

Q. You know there is ſuch a thing as a reward?—*A.* Yes.

Q. Did you know M'Glue before?—*A.* Yes; I have heard that he has been here before; but I have not been long in this line.

Q. Oh, you are a ſucking thief-taker, are you; you will do very well by and by—

Court. (To M'Glue.) Q. Who was the laſt up in the houſe that night?—*A.* I was.

Q. How were the doors faſtened?—*A.* By a drop latch.

Q. Will you ſay that you faſtened the out-door latch?—*A.* I won't take upon me to ſay that I did; nor the inner one could not have been faſtened.

SAMUEL BURRELL *ſworn.*—I am an officer belonging to St. John's, Clerkenwell; I was with Oborne when he apprehended the priſoner at Greenwich; I know no more of it than he does.

Croſs-examined by Mr. Knapp. Q. You know there is a forty pounds reward, I ſuppoſe?—*A.* No, I do not.

Q. You never heard of it?—*A.* No.

Q. How long have you been an officer?—*A.* Eight years.

Q. And never heard of the reward?—*A.* Yes; but I never had any.

Q. You generally hunt in couples, and then there is a ſlice of the reward for each?—*A.* Yes.

RICHARD SLAUGHTER *ſworn.*—I am a pawnbroker, at Greenwich, I know the priſoner very well: On the 29th of November, he brought me two ſilk handkerchiefs, and on the 1ſt of December, the priſoner and a conſtable came and redeemed them; the priſoner paid me the money, and, I believe, the runner took the handkerchiefs off the counter. *(Produces the duplicate).*

Oborne. I cannot ſay whether that is the duplicate I had from the priſoner, there is no particular mark upon it, it is like it.

Slaughter. Croſs-examined by Mr. Knapp. Q. The handkerchiefs that were pledged with you, you delivered to Oborne?—*A.* Yes.

Q. The

Q. The handkerchiefs that you afterwards ſaw, at the Magiſtrates, you will not undertake to ſwear were the ſame?—*A.* Certainly I cannot; they are what we call a bird's-eye pattern; there is nothing in the world more common.

Court. Q. The handkerchiefs that were pledged with you, by the priſoner, you delivered to Oborne?—*A.* Yes.

(William Harker, another pawnbroker, produced two waiſtcoats, but would not ſwear that he had them from the priſoner).

MARY-ANN WILLIAMS *ſworn.*—I can ſwear to this handkerchief, there are two little ſpots of blood upon it, and two little holes.

Croſs-examined by Mr. Knapp. Q. Your name is Mary-Ann Williams?—*A.* Yes.

Q. It is not Mrs. M'Glue?—*A.* My name is not Mrs. M'Glue, I am only a ſervant.

Q. You are a maid of all work.—Thoſe handkerchiefs, then, are Mary-Ann Williams's property?—*A.* One of them was mine, I wore them both, but the other is M'Glue's.

Q. It is a great miſtake, then, if M'Glue ſhould have called you his wife?—*A.* Certainly I am not his wife; and many a perſon of credit does ſo; many people live with one another more than is married; I don't know whether you are married or not.

Q. Then whoever has ſaid you were his wife muſt be miſtaken?—*A.* I am not his wife.

Q. How long have you been maid of all work to M'Glue?—*A.* Almoſt ſixteen years.

Q. Have you always lived with him in Sharp's-alley?—*A.* No.

Q. Have you always lived with him during that time?—*A.* No.

Q. There is a very pretty country houſe in Newgate-ſtreet—do you know Newgate?—*A.* I do not know I am ſure.

Q. You know you are pretty near it now—Did you never ſpend any part of your ſummer in Newgate?—*A.* No.—Oh, yes, I was here a little time ago; the more is the pity.

Q. You have been in Newgate with him then?—*A.* Yes.

Q. More than once?—*A.* No, not with him.

Q. Were you never there by yourſelf?—*A.* I don't know.

Q. Yes, you do—Have you not been in Newgate by yourſelf?—*A.* I cannot ſay.

Q. Have you never been in Newgate with anybody but this gentleman, Mr. M'Glue?—*A.* No.

Q. Were you never where that ſoldier ſtands?—*A.* Yes, I have.

Q. With M'Glue?—*A.* Yes.

Q. With any body elſe?—*A.* I do not know.

Q. Upon your oath, who have you been at that bar with, beſides M'Glue?—*A.* I don't know the woman's name I aſſure you.

Q. What was it for?—*A.* For robbing a man from my place.

Q. Have you been there more than once?—*A.* Yes; twice.

Q. Twice, ſingly?—*A.* I never was there ſingly by myſelf.

Q. Have you not been with ladies at that bar?—*A.* I have been twice, I believe, at that bar.

Q. Suppoſe we ſay three times, ſhould we be wrong?—*A.* I do not know.

Q. Upon your oath, have you not been there ſo often, that you cannot tell how many times?—*A.* Yes, I can.

Q. Now ſtretch your memory a little—will you ſwear you have not been half a dozen times at that bar?—*A.* Not here.

Q. Then let us travel into the country—have you been at Clerkenwell, the new Seſſions' houſe?—*A.* Yes, I have been there.

Q. How many times have you been convicted there?—*A.* Once.

Court. Q. What for?—*A.* For keeping a nuiſance.

Mr. Knapp. Q. Do you know a perſon of the name of Richard Clarke?—A. Not to my knowledge.

Q. Did you never live with a perſon of that name?—A. I have lived with M'Glue for almoſt ſixteen years.

Q. Did you keep company with a perſon of that name?—A. I might.

Q. Do you not know what has become of him?—A. No.

Q. Don't you know that he happened to take a ſudden trip into the other world, that is in plain Engliſh, that he was hanged?—A. No; I did not know it.

Q. Did you never know that he was in Newgate?—A. Yes.

Q. Poor Richard is gone into the other world, and you never heard of it?—A. No.

(One of the waiſtcoats was depoſed to by the proſecutor).

The priſoner called two ſerjeants, who gave him a good character.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before
Mr. RECORDER.

MISDEMEANORS.

MISDEMEANORS.

65. BENJAMIN NOKES was indicted for that he, on the 26th of October, a piece of falſe money, counterfeited to the likeneſs of a good half guinea, did utter to one William Gooding, knowing it to be counterfeit.

There were two other Counts, For uttering two other counterfeit half guineas, on the ſame day, to the ſaid William.

And a fourth Count, For uttering on the ſame day, to the ſaid William, a counterfeit half crown, knowing the ſame to be counterfeit.

(The caſe was opened by Mr. Knowlys).

WILLIAM GOODING *ſworn.—Examined by Mr. Ward.* On the 26th of October laſt, the priſoner came to me, between ſix and eight o'clock; I had often ſeen him before, and dealt with him a great many times; he came to buy a peck of oyſters, the price was half-a-crown; he gave me a ſtraight new half-guinea, and I gave him change out of it; in a ſhort time after, he came a ſecond time, for another peck of oyſters, they were natives, the price was ſeven ſhillings and ſixpence, and he gave me another new half-guinea, which was crooked; I gave him three ſhillings in change; and he came again a third time, for another peck of oyſters, at half-a-crown, he gave me another new crooked half-guinea, and I gave him eight ſhillings out of that; he came again, a fourth time, for another peck of common oyſters; he gave me a half-crown piece, which was a bad one, I returned it to him again, and he gave me another half-crown in the room of it, immediately, which was good; I cannot be certain whether it was two ſhillings and ſixpence or half-a-crown; I ſaw nothing more of him, but I went about eight o'clock to breakfaſt, and then we always take an account of our money; upon looking over them, I found three half-guineas that were bad.

Q. Do you know how much money you had firſt in the morning?—A. No; we always begin afreſh in the morning, with an empty bag.

Q. Do you know how much you had at eight o'clock?—A. I cannot ſay, it might be two or three pounds.

Q. How many new half-guineas had you?—A. Only three; I had but two more, and thoſe were old ones.

Q. Have you any doubt that theſe three half-guineas were the half-guineas you had taken of the priſoner?—A. I knew them directly, when I came to overhawl them again; I immediately went round Billingſgate, to look for him, and ſaw him ſtanding upon the quay; I went to him, and aſked him how he came to give me ſo much bad money, and he ſaid, he had given me none; I told him, he certainly had; the oyſter-meters came up, and Mr. Parrot, an oyſter-porter, who ſearched him, had found a bad half-crown upon him; and then they ſent for an officer, and took him away; I ſaw a bad half-crown found upon him, and ſome ſilver and gold, and a Bank-note; I do not know how much; the bad half-crown was found in a paper by itſelf; the officer can give a better account of what other money he had than I can.

Q. Do you know whether the half-crown that was found upon him, was the half-crown that he had offered you before?—A. It was very much like it; there was no other half-crown found upon him.

Croſs-examined by Mr. Alley. Q. The priſoner is what is called a bobber?—A. Yes; people who do not know the way to go down, employ theſe men to buy them for them, and they give them a penny a time.

Q. Therefore there was nothing wonderful in his coming to you for a ſecond, third, fourth, or tenth peck?—A. Not at all.

Q. You had a pretty briſk market that day?—A. No great deal.

Q. You ſold a great many oyſters to other people, I ſuppoſe?—A. Yes.

Q. All the money you receive, you put indiſcriminately into your bag?—A. Yes.

Q. This poor fellow has been long employed upon the quay, you had no ſuſpicion of him, and therefore you put them into your bag?—A. Yes.

Q. Was this half-crown in the paper in his breeches pocket, or his fob?—A. I do not recollect.

Q. Did he not ſay that he had put it there, wrapped up in a paper, becauſe he would not offer it to anybody?—*A.* He might, but I cannot ſay.

Q. You went to breakfaſt, and when you returned, you found him at his work upon the quay?—*A.* Yes.

Q. Had he time to ſhift any thing?—*A.* No.

Court. Q. He had while you were gone to breakfaſt?—*A.* Yes.

Mr. Alley. Q. But not after he was apprehended?—*A.* No.

Q. How many half-guineas had you taken in the courſe of that morning?—*A.* Only five.

Q. Can you tell where you got the other two from?—*A.* One of them I do.

Q. Had you the bag yourſelf, or did you deliver it to your partner?—*A.* No, I did not; we count the money and put it down upon a piece of paper, to ſee how much we have taken.

Q. You have known this man upon the quay many years?—*A.* I have not come there above a year.

Court Q. Are you certain that the priſoner is the man you took the three half-guineas of?—*A.* Yes; I am.

THOMAS PARROTT *ſworn.—Examined by Mr. Knowlys.* Q. I meaſure oyſters for the meters: I was coming up the ladder, and Mr. Gooding, and a meter, had got the priſoner talking to him about ſome bad half-guineas; the priſoner ſaid he did not give them to him; I ſearched him, and found this bad half-crown wrapped up in a piece of paper, in his fob.

Q. Was the reſt of the money you found about him good?

good?—*A.* I believe it was; I returned it to him; I kept the half-crown till I got to the Lord-Mayor, and then it was given to the conſtable, Giles Bolland.

Croſs-examined by Mr. Alley. Q. You found the half-crown in his fob?—*A.* Yes.

Q. I believe he has been a long time on the quays?—*A.* Yes; two or three days one week, and two or three days another.

GILES BOLLAND *ſworn.*—I apprehended the priſoner cloſe to the dock, on the 26th of October: I did not ſearch him there, but going along, he gave me three guineas, two half-guineas, and a pound note, which were all good, he deſired me to take care of them; Mr. Gooding gave me three half-guineas, *(producing them)*; I have had them ever ſince; and Mr. Parrott gave me a half-crown. *(Producing it).*

WILLIAM PARKER *ſworn.—Examined by Mr. Knowlys.* I am a ſilverſmith: Theſe half-guineas are all counterfeit.

Q. Do they appear to be of the ſame manufacture?—*A.* I have not the leaſt doubt of it.

Q. Where is the defect in them?—*A.* They are light; they are not worth a farthing a-piece.

(Mr. Alley addreſſed the Jury on the part of the defendant).

For the Priſoner.

JOHN M'DANIEL *ſworn.—Examined by Mr. Alley.* I am a dealer in liquors, in Gravel-lane: I have known the priſoner about two years and a half, he uſed to bring me ſilver and gold to change, at many times, and never gave me any bad that I ever knew; he has brought me ſix guineas, and five gnineas at a time, in ſilver, and ſometimes a guinea and a half, but never gave me any bad.

Court. Q. Where do you live?—*A.* In Gravel-lane.

Q. What gold?—*A.* I have given him a guinea at different times for half-guineas, becauſe he ſaid he ſhould want them for ſilver.

Q. How many at a time?—*A.* Two at a time, never more.

Q. What buſineſs is he?—*A.* He gets his bread at Billingſgate.

Priſoner. I am what they call a bobber, and a porter, and have been twenty-five years.

EDWARD LEWIS *ſworn.*—I am a publican, near Gravel-lane: I have known him two years and a half, or three years, he is a very honeſt man; I never heard any thing to his prejudice in my life.

Q. What is he?—*A.* From what I can hear of the neighbours, he is a bobber, and plies at Billingſgate.

GUILTY.

Impriſoned one year in Newgate.

Tried by the ſecond London Jury before Mr. COMMON SERJEANT.

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66. JAMES BARNARD and JOHN BRISCOE were indicted for a conſpiracy.

Both NOT GUILTY.

Tried by the ſecond London Jury before Mr. COMMON SERJEANT.

Mr. JUSTICE GROSE, and Mr. BARON PERRYN delivered the OPINIONS of the TWELVE JUDGES upon the following Caſes.

RICHARD FULLER's CASE.

MR. BARON PERRYN.

RICHARD FULLER, you were tried in July laſt, upon an indictment for maliciouſly and adviſedly endeavouring to ſeduce Matthew Lowe, he being a perſon in the King's land ſervice, from his duty and allegiance. There was a Second Count for endeavouring to incite the ſaid Matthew Lowe to commit an act of mutiny, and to commit traiterous and mutinous practices.

This indictment was laid in the very words of the Act of the 37th of his preſent Majeſty, chap. 17. Upon a full and impartial trial, you were convicted of the offence, but your ſentence was reſpited, on account of your Counſel taking ſeveral objections in arreſt of judgment, which were to be decided before that ſentence could be paſſed, and I am now to deliver the opinion of the Judges upon that caſe, which has been argued before them very learnedly by your Counſel, before all the Judges in the Exchequer Chamber in Weſtminſter-Hall.

In this Caſe, three objections were taken in arreſt of judgment, Firſt, that the indictment does not ſtate in what manner, and by what means you did endeavour to ſeduce, to entice, and to ſtir up Matthew Lowe from his duty and allegiance. The ſecond objection was, that it ſhould have been averred in the indictment, that you knew that Matthew Lowe was a ſoldier. The third objection was, that the ſecond Count of the indictment compreliended the other two, that is an endeavour to entice, and ſtir up to commit mutiny, and to ſtir up, to commit traiterous and mutinous practices. Theſe were the ſeveral objections in arreſt of judgment, and the Judges have delivered their opinions upon thoſe objections. The firſt is, that the indictment does not ſtate in what manner, and by what means you endeavoured to ſeduce, entice, and ſtir up Matthew Lowe, from his duty and his allegiance.

In the argument of this caſe, on your behalf, this was ſpoken of as a ſuppoſed analogy to the caſe of falſe tokens. The anſwer to this objection is, that the endeavour to ſeduce, to entice, and to ſtir up, though it is a concluſion from an infinite variety of facts and circumſtances, is but a concluſion of fact, which in itſelf admitted of no definition or deſcription, that the fact is fully expreſſed by the mere word endeavour, and can only

only be expreſſed by that word, like the words conſpire, maintain, aid, and abet, which in indictments for conſpiracies ſufficiently expreſs the offence charged in the indictment, without circumlocution, and without ſhewing by what manner, and by what means the conſpiracy, maintaining, aiding, and abetting, and ſo forth, was produced. We are therefore of opinion (and there was no diſſenſion among the Judges) that this objection is not ſufficient to arreſt the judgment.

The ſecond objection was, that it ſhould have been averred in the indictment, that the priſoner knew that Matthew Lowe was a ſoldier. The argument urged by your Counſel, in ſupport of this objection, that the priſoner could not be guilty of the offence charged, unleſs he knew that the man was a ſoldier, ſuggeſts an anſwer to the objection that is neceſſarily included in the charge itſelf, of endeavouring; but a full and ſatisfactory anſwer to the Judges, is, that the word adviſedly is in the indictment, which is at leaſt equivalent to the word *ſcienter*, and ſeveral caſes were cited to ſhew that the word adviſedly was ſufficient without any circumlocution, therefore, we are of opinion, that this objection cannot hold.

The third objection is, that in the ſecond Count in this indictment, are comprehended two diſtinct offences. It will be found a ſufficient anſwer to this objection, that the charge might have been branched into ſeveral offences, the whole may be no more than parts of one fact of endeavouring, which muſt be ſtated in the manner in which it is ſtated; but in the circumſtances in which you now ſtand convicted upon the firſt Count of the indictment, to which no ſufficient objection has been taken, and upon which, judgment muſt be pronounced againſt you, it is not abſolutely neceſſary, that the Judges ſhould have decided upon this laſt objection.

Upon the whole, we are of opinion that there is no ſufficient ground to arreſt the judgment, and that, conſequently, ſentence ſhould paſs upon you.

THOMAS BROWN's CASE.

Mr. Juſtice Groſe, after ſtating the caſe (for which ſee the trial) proceeded as follows.

The Jury found Parkes guilty of ſigning the note in queſtion, and you of uttering it, knowing it to have been forged, with intent to defraud William Hulls. The Counſel for you and Parkes took a number of objections, that the name, Thomas Brown, is a real name; that it was not a forgery in Parkes ſigning the name of Brown, with Brown's conſent; that if Parkes was not guilty of forgery, Brown could not be guilty of uttering, knowing it to be forged; that the repreſentations of Brown ought not to affect Parkes, who was not acquainted with the circumſtances under which he uttered the note.

With reſpect to you, the queſtions are ſimply two, the firſt is, whether the note mentioned in this caſe was a forgery, and if it was, whether you uttered the note knowing it to be forged; for, undoubtedly, there was no evidence at all to go to the Jury that you forged it yourſelf; therefore the queſtions are, whether the note was forged, and whether you uttered it knowing it to be forged.

Now as to the firſt queſtion, the definition of forgery is the falſe making a note, or other inſtrument, with intent to defraud; the falſe making may conſiſt either in putting the name of a man upon a note, who does not exiſt, or of a man who does, as was the caſe of Bolland in the year 1772, and was the caſe of Tuft in the year 1777; or putting the name of a man who does exiſt, without his conſent, and uttering it as his, with intent to defraud. The preſent is among the firſt claſs of caſes. A note is produced, dated Ruighton, Salop, ſuppoſed to be drawn by one Thomas Brown for himſelf and Company, by which he promiſes to pay five guineas to the bearer, at Meſſrs. Down, Thornton, and Co. bankers, London. The note is found in your hands, and you paid it away for a valuable conſideration to Hulls, the ſhoe-maker, not as your own note, but as the note of a brother of that name. Now, no ſuch brother exiſts; then it is the falſe making of a note of a non-exiſtent perſon; and it is equally a forgery, whether the non-exiſting perſon is deſcribed as bearing the name of the perſon uttering the note, or another name, as a man of the name of Thomas Brown, uttering a forged note, deſcribing it as the name of another, is equally guilty of a forgery, as if he had uttered one ſigned by any other name whatever. This is an anſwer to the firſt objection that the name is your name.

The ſecond objection is, that it was no forgery to ſign the name of Thomas Brown with Brown's conſent; the anſwer is ſhort—no ſuch perſon exiſting, there could be no ſuch conſent; I ſay, no ſuch perſon exiſting, for the Brown, whoſe name is to the note, according to that note, was reſident at Ruighton, Salop, was a correſpondent of Down, Thornton, and Company, and had money in their hands. Now there is no ſuch perſon reſident at Ruighton; there is no ſuch perſon of that name who was a correſpondent of Down, Thornton, and Company, and no perſon of that name who had money in their hands; therefore no perſon appears to exiſt, ſuch as was deſcribed by you; on the contrary, as far as the evidence goes, it appears that no ſuch perſon did exiſt; and your obvious intention was to get by fraud a quantity of boots and ſhoes for this note, from a man of the name of Hulls; therefore this, according to the true definition of forgery, is the falſe making of a note, in the name of Thomas Brown, who does not appear to have exiſted, with intention to defraud.

The only remaining queſtion is, whether you uttered it, knowing it to be forged; that you uttered it, is proved by Hulls; that you knew it to be forged, all the evidence is ſtrong to prove, or elſe why did you ſay it was your brother's draft—that he was an agent in the 17th regiment—that you ſhould ſee your brother preſently—that the note was to be paid out of the money lodged in the hands of Down, Thornton, and Free, when no money was there lodged—and why did you appoint Hulls to meet you at three o'clock in the afternoon at Mrs. Drummonds, No. 10, Hart-ſtreet, Bloomſbury, no ſuch perſon exiſting. Theſe, however, were facts for the conſideration of the Jury; the Jury have taken them into conſideration, and they have, as it ſeems to all the learned Judges, drawn the right and proper concluſion—their concluſion is, that you are guilty; but it is ſaid, that if Parkes is not guilty of forgery, you cannot be guilty of uttering, knowing it to

be

be forged. The count, in the indictment, does not charge you with uttering the note, knowing it to be forged by Parkes, but only knowing it to be forged; therefore whoever it might be forged by, you uttering it, knowing it to be forged, are guilty of the offence charged, and the opinion of all the Judges is, that you muſt receive the judgment of the law.

NICHOLAS BRADY's CASE.

Mr. Justice Grose.

You have been indicted for aſſaulting Charles Whateley, an officer of Exciſe, on ſhore, in the execution of his office, in ſeizing and ſecuring to the uſe of the King, five hundred pounds weight of ſoap, liable to be ſeized by the ſaid Charles Whateley as ſuch officer, and unlawfully and violently abſtructing him, ſo being on ſhore in the due execution of his office. There are other Counts to the ſame purpoſe; upon thoſe Counts you have been convicted, and, in the evidence, it appeared that the ſoap was ſeized in Eſſex, at a diſtance from the ſea; and the queſtion upon this indictment is, whether the obſtruction of an officer of Exciſe, ſeizing of ſoap which was forfeited, and liable to be ſeized on ſhore, is an offence within the 24th of Geo. III. cap. 47. ſec. 15.—The 15th ſection of that Act has theſe words: "That from and after the 1ſt of October, 1784, if any officer or officers of his Majeſty's Navy, or in the ſervice of the Cuſtoms or Exciſe, being on ſhore, or going on board, or being on board, or returning from on board any ſhip, boat, or veſſel, within the limits of any of the ports of this kingdom, or within four leagues from the coaſts thereof, ſhall be hindered, oppoſed, obſtructed, or aſſaulted in the due execution of his or their office, or duty, by any perſon or perſons whatſoever;" then it ſays, "ſuch perſons may be taken up, and conveyed before a Juſtice of the Peace, and if convicted, is to ſuffer the puniſhment aſſigned in the ſtatute." This is obviouſly intended to prevent ſmuggling, and in every reſpect protect the revenue; it ſays, "The laws are not ſufficient to prevent the clandeſtine importation of prohibited goods, and goods liable to the payment of duty; it recites, that the miſchief had increaſed to the great prejudice of the revenue, to the detriment of the fair trader, and to the endangering of the lives of the officers of the revenue acting in the due execution of their duty."—Then there are a number of clauſes all made for the purpoſe of increaſing the revenue, and benefiting the fair trader; at the end of thoſe clauſes comes the 15th ſection, (which is the ſubject of our enquiry) for protecting the officer in the execution of his duty, and puniſhing ſuch perſons as are guilty of obſtructing them. The perſons to be protected, are any officer on board his Majeſty's Navy, or in the ſervice of the Cuſtoms, or of the Exciſe. Then theſe words, "Being on ſhore, or going on board, or being on board, or returning from on board any ſhip, boat, or veſſel, within the limits of any of the ports of this kingdom, or within four leagues from the coaſts thereof." And the time when they are not to be obſtructed, is when they are in the due execution of their duty.

The firſt queſtion then is, whether this officer was on ſhore within the meaning of the ſtatute. It is ſaid, that the Act was not meant to be extended to officers in the execution of their duty anywhere on land, but that on ſhore, according to this ſtatute was to be confined to officers of the Cuſtoms, in the execution of their duty near the ſea, and to prevent ſmuggling, that is, that it was to prevent offences againſt one part of the law, to ſecure the revenue by the cuſtoms, but that it did not meddle with that part of the law that ſecured the revenue by the Exciſe. But the Judges are all of them of opinion, that the general words in the enacting clauſe are not to be reſtrained, and that they are to be taken according to their general import, that the intention of the legiſlature was, that all officers on board the navy, in the Cuſtoms, or Exciſe, anywhere at land or on the ſea, or within four leagues of the coaſt, are within the clauſe, when they are in the due execution of their duty, whether it is in preventing ſmuggling, or ſecuring the duties upon ſoap, or other articles of exciſe, by which the public revenue may be increaſed, ſuch is the natural import of the words, and any other conſtruction would do violence to the words, and defeat the intention of the legiſlature who were in this act anxious to put an end to all the miſchiefs that prejudiced the revenue, of which miſchiefs the clandeſtine removal of ſoap is undoubtedly one.

Mr. Knowlys as Counſel for the Crown, obſerved very properly, that the Exciſe is an inland duty on ſhore, and if it were not taken in the ſenſe in which the Judges now give it, it would be extraordinary that Exciſe-officers ſhould be mentioned at all; for the conſtruction put upon the ſtatute by the Counſel for the priſoner, makes it a protection for Cuſtom-houſe-officers only, and not for Exciſe-officers. This ſeems a ſtrong argument to prove, that in the uſe of the word ſhore, the legiſlature meant land generally, and to comprehend officers appointed to ſecure the payment of the inland duties, as well as of the cuſtoms.

The only remaining queſtion is, whether Mr. Whateley was in the execution of his duty. The anſwer is this, and it is a ſhort one, that the ſoap duty is under the officers of Exciſe, that he was an officer of Exciſe, that this ſoap was forfeited, was on ſhore, was in the predicament of being illicitly removed, as an officer of Exciſe; he, together with thoſe who were with him (for they were officers of Exciſe too) were bound to ſeize it, becauſe, by the Act of Parliament it was forfeited; they were in the act of ſeizing, that is, they were in the act of executing their duty, they were obſtructed by you and others in a moſt forcible, violent, and lawleſs manner; that obſtruction is the very offence mentioned in the 15th ſection of this act, and is contained preciſely in the charge in this indictment. The Judges are therefore of opinion, that you being convicted of this offence, are ſubject to ſuch puniſhment as the Court may think fit.

The SESSIONS *being ended, the* COURT *proceeded to* GIVE JUDGMENT *as follows:*
Received ſentence of Death—6.

Robert Franklyn, Robert Penn, alias Fiſh, Richard Fuller,
William Smith, alias Flint, William Wade. Thomas Brown.

Tranſported for fourteen years—1.
William Nixon.

Tranſported for ſeven years—13.

Benjamin Packford, William Clark, John Brown,
James Ball, Mary Vallence, Andrew Levy,
Elizabeth Moor, Margaret Gill, William Lucas,
Henry Cam, William Baines, William Murrell,
Sarah Beſt.

Confined twelve months in the Houſe of Correction, publicly whipped, and diſcharged—2.

Henry Pedder, John Seton.

Confined twelve months in the Houſe of Correction, and fined 1s.—5.

John Martin, Thomas Hillier,
Mary Duff, Nicholas Brady,
And (in Newgate) Benjamin Nokes.

Confined ſix months in the Houſe of Correction, publicly whipped, and diſcharged—1.

John Newell.

Confined ſix months in the Houſe of Correction, and fined 1s.—4.

Richard Green, Hugh Hughes,
Mary Price, Hannah Wright.

Confined three months in Newgate, and fined 1s.—3.

John O'Brien, Iſaac Abraham, Job Powell.

Confined one month in Newgate, and fined 1s.—2.

Edward Smith, Mary Stewart

Confined two weeks in Newgate, and fined 1s.—2.

John Harris, Elizabeth Fayler.

Publicly whipped, and diſcharged—1.

William Lanſdowne.

Privately whipped—1.

James Starling.

The Seſſions were adjourned till Wedneſday, January 10, 1798.

INDEX.

The Figures refer to the Page.

A.

Abraham Iſaac — — 45
Aldridge Iſaac — — 58
Armſtrong Robert — — 66

B.

Barnett Eliſha — — 26
Ball James — — 29
Baines William — — 40
Benſon Mary — — 13
Bradley James — — 46
Brown John — — 55
Bourne John — — 56
Beſt Sarah — — 50
Barnard James — — 72
Briſcoe John — — 72

C.

Chetham Joſeph — — 11
Catapodi Peter — — 50
——— Sarah — — 50
Covington John — — 60
Cam Henry — — 64
Clarke William — — 65

D.

Duff Mary — — 27

F.

Franklyn Robert — — 3
Flint William — — 38, 40
Fiſh Robert — — 37
—— Rachel — — 37
Fayler Elizabeth — — 49
Fennily Margaret — — 58

G.

Green Richard — — 32
Gill Margaret — — 33

H.

Haritage William — — 27
Hughes Hugh — — 28
Harris John — — 49
Hillier Thomas — — 61

J.

James Edward — — 66

L.

Lanſdowne William — — 48
Lappew John — — 66
Lucas William — — 62
Levy Andrew — — 67

M.

Martin John — — 26
Moore Elizabeth — — 59
Murrell William — — 62
Miller Joſeph — — 63

N.

Newell John — — 58
Nixon William — — 51
Nokes Benjamin — — 71

O.

O'Brien John — — 43

P.

Pedder Henry — — 29
Plunkett Simon — — 9
Packford Benjamin — — 12
Penn Robert — — 37
—— Rachel — — 37
Price Mary — — 26
Peck Richard — — 26
Phipoe Maria Thereſa — — 13
Payne Daniel — — 68
Powell Job — — 59

R.

Reynolds Edward — — 38, 40
——— Stephen — — 38, 40

S.

Smith William — — 38, 40
—— Edward — — 44
Stubbs John — — 20
Seton John — — 41
Sibborne Richard — — 42
Starling James — — 60
Saunders John — — 64
Stewart Mary — — 67
Sadler John — — 56
Skinner Joſeph — — 53

T.

Talbot Thomas — — 49

V.

Vallence Mary — — 28

W.

Wardropper Thomas — — 7
Wade William — — 42
Wilſon Margaret — — 33
Windle Benjamin — — 54
Wright Hannah — — 62

Y.

Young Henry — — 11

End of the Firſt Seſſion.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commission of the Peace, Oyer and Terminer, and Gaol Delivery

FOR THE

CITY OF LONDON,

AND ALSO,

The Gaol Delivery

FOR THE

COUNTY OF MIDDLESEX,

HELD AT

JUSTICE-HALL, IN THE OLD-BAILEY,

On WEDNESDAY the 10th of JANUARY, 1798, and the following Days,

BEING THE SECOND SESSION IN THE MAYORALTY OF

The Right Honourable JOHN WILLIAM ANDERSON, Esq.

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

WILLIAM RAMSEY,

AND

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1798.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery

FOR THE

CITY OF LONDON, &c.

BEFORE JOHN WILLIAM ANDERSON, Eſq. LORD MAYOR of the CITY of LONDON; JOHN HEATH, Eſq; one of the Juſtices of His Majeſty's Court of Common Pleas; Sir ALEXANDER THOMPSON, Knight, one of the Barons of His Majeſty's Court of Exchequer; Sir SOULDEN LAWRENCE, Knight, one of the Juſtices of His Majeſty's Court of King's-Bench; Sir JOHN WILLIAM ROSE, Knight, Serjeant at Law, Recorder of the ſaid City; JOHN SILVESTER, Eſq. Common-Serjeant at Law of the ſaid City; and others, His Majeſty's Juſtices of Oyer and Terminer of the CITY of LONDON, and Juſtices of Gaol Delivery of NEWGATE, holden for the ſaid City and County of MIDDLESEX.

London Jury.	*Firſt Middleſex Jury.*	*Second Middleſex Jury.*
Edward Green,	Martin Robinſon,	Samuel Acton,
Thomas Walker,	Frances Feather,	William Smith,
John Jacob,	Solomon Erwood,	William Napier,
Edmund Norman,	Charles Charleſworth,	John Norborn,
John Miller,	Joſeph Watkins,	Edward Bradney,
James Yates,	Hugh Ruſſel,	Joſeph Edwards,
Henry Harriſon,	Edward Powell,	Thomas Adcock,
John-James Smith,	James Scarlett,	Thomas Grindall,
Edward Ely,	William Phillips,	Thomas Soley,
Richard Tomlinſon,	Thomas Griffiths,	Samuel Wilſon,
Benjamin Barrett,	Joſeph Simpſon,	John Harris,
Daniel Inwood.	Cornelius Paſs.	James Mansfield.

67. STEPHEN REYNOLDS was indicted for feloniouſly ſtealing, on the 20th of July, two cows, value 20l. the property of Peter Henderſon, Eſq.

(The caſe was opened by Mr. Raine.)

PETER HENDERSON, Eſq; *ſworn.—Examined by Mr. Raine.* On Wedneſday the 19th of July laſt, about half an hour paſt nine in the evening, I was in a ſmall field, part of my premiſes, at Bedfont, where theſe cows were; I was the laſt perſon in the field, I ſhut the gate which goes to the common, I went next morning and they were gone; I found the gate taken off the hinges, and on the ground; I diſpatched two men in every direction, I advertiſed them, and heard nothing of them till September; I went down to Edmonton, and there I found my cows in poſſeſſion of the conſtable, William Goddard; I owned the cows before Mr. Jackſon, they were then in a field belonging to John Kennington, who is here.

Croſs-examined by Mr. Knowlys. Q. You knew nothing of the priſoner before?—*A.* No; I did not know any ſuch man was in exiſtence.

Q. They were not found till September?—*A.* No.

ROBERT PURNELL *ſworn.—Examined by Mr. Raine.* I am the keeper of Chelmsford Jail; in conſequence of an information, I went to Edmonton in September laſt; I had a warrant from the Rev. Henry Bate Dudley, which I took to Lambeth-ſtreet, and had it backed by Rice Davis, Eſq; the Magiſtrate; I apprehended him on the 16th of September; on the Monday morning the 17th, I went to Edmonton again, where I found ſix cows, I put them into poſſeſſion of the conſtable, William Goddard, among them were the two that were claimed by Mr. Henderſon; I had one of his hand-bills put into my hand on the 19th.

Q. Do you know, of your own knowledge, who gave the information that led to the warrant?—*A.* Michael Read, who is in my cuſtody as an accomplice.

Court. Q. You do not know, of your own knowledge, that they were upon his premiſes?—*A.* A woman at Stephen Reynolds's houſe gave me the key to unlock the gate.

Croſs-examined by Mr. Alley. Q. You do not know, yourſelf, that it was Stephen Reynolds's houſe?—*A.* I aſked a woman that I ſaw there, ſhe ſaid her name was Reynolds, and that Stephen Reynolds was not at home.

Q. Read, to ſave himſelf, after he was in cuſtody, gave the information?—*A.* Yes.

WILLIAM GODDARD *ſworn.—Examined by Mr. Raine.* I am a conſtable at Edmonton; in September laſt, I received two cows from Mr. Purnell, out of a field belonging to Robert Jones, Eſq;

Q. Do you happen to know who rented that field of Mr. Jones?—*A.* Stephen Reynolds, as I was informed.

Q. You received theſe two cows, in this field, from the laſt witneſs?—*A.* Yes; I delivered them a few days afterwards to Mr. Henderſon.

Croſs-examined by Mr. Knowlys. Q. You did not know, but by information, that Reynolds rented that field?—*A.* No.

Mr. Raine. Q. Where did you put the cows before you delivered them to Mr. Henderſon?—*A.* In a field belonging to the Horſe and Groom, Mr. Kennington's.

JOHN KENNINGTON *ſworn.*—I keep the Horſe and Groom at Edmonton: The laſt witneſs brought me two cows, which I delivered to Mr. Henderſon, he came to my houſe and claimed them.

Q. Did you know from what field theſe cows were brought?—*A.* No.

ROBERT JONES, Eſq. *ſworn.—Examined by Mr. Raine.* Q. Do you know the priſoner at the bar?—*A.* I do.

Q. Was he at any time a tenant of your's?—*A.* I believe he was.

Q. Do not you know?—*A.* I did not let it; he might; ſomebody had the after-graſs till Michaelmas, but I cannot ſay who it was that had it.

JOHN MELTON *ſworn.—Examined by Mr. Raine.* Q. Do you know the field from which Goddard took two cows, at Edmonton?—*A.* Yes.

Q. Do you know who rented that field?—*A.* I cannot tell.

Q. Did you ever happen to ſee the priſoner at the bar there, or thereabouts?—*A.* Yes.

Q. Did you ever ſee him milk theſe cows?—*A.* Yes.

Q. Have you ſeen him do that often?—*A.* Yes.

Q. Did you ever ſee him unlock the gate of that field?—*A.* Yes.

Court. Q. Did you ſee him drive them in and out?—*A.* Yes.

Croſs-examined by Mr. Alley. Q. Were you with Goddard at the time he took the cows out of the field?—*A.* Yes, I was.

Q. You had been in the field yourſelf, and other people, as well as Reynolds?—*A.* Yes.

Court. Q. Who have you ſeen milk the cows?—*A.* Mr. and Mrs. Reynolds.

Priſoner's

Priſoner's defence. I have ſufficient witneſs that I came honeſtly by them.

Mr. Knowlys. (To Mr. Henderſon.) Q. How far is Edmonton from Bedfont?—*A.* About ſixteen miles.

For the Priſoner.

JOHN DEAN *ſworn.*—I live at Southgate: I looked after the Woolpack public-houſe for a man in diſtreſs.

Q. Do you remember any cattle coming to that houſe at any time?—*A.* Yes, four or five, about the latter end of July, as near as I can judge; there were two cows, I did not particularly notice them, but there was a fat beaſt.

Q. Who was the perſon that brought them to your houſe?—*A.* I do not know his name; I never ſaw him but once before.

Q. Do you know the priſoner at the bar?—*A.* Yes.

Q. Was he the perſon that brought them there?—*A.* No, the man ſeemed to be a drover; and he wanted the cows to be in the yard a little while, while he went round to the gentlemen's houſes to ſee if he could ſell them.

Q. About what time was it?—*A.* Between ten and eleven in the morning; he was gone an hour and a half, or two hours, and then came back with the priſoner.

Q. How far is the priſoner's houſe from your houſe?—*A.* About two miles and a half; they went into the yard and looked at the two cows that were in the yard, and Reynolds aſked him the price, and he aſked him twenty-two guineas for them, and he bid him twenty pounds, he would not let him have them; he then dropped to one-and-twenty, and the man perſuaded me to get him to have them, becauſe they were a good bargain; I told him, then he muſt drop half-a-guinea lower; at laſt they agreed for twenty-one guineas.

Q. Did you ſee him pay for them?—*A.* No.

Q. Have you ever ſeen theſe cows ſince?—*A.* Yes; they went away together, and drove them towards Edmonton; the drover ſaid he had got more cattle on the road that he wanted to meet; I ſaw theſe cows yeſterday morning at Bedfont.

Q. Are they the ſame cows that the priſoner agreed with the drover for?—*A.* Yes, they are the ſame.

Q. Have you any knowledge of the value of cattle, to ſay whether it was a fair price?—*A.* No, I am no judge.

Croſs-examined by Mr. Raine. Q. You did not ſee the money paid?—*A.* No.

Q. Perhaps you may know that, in point of fact, no money ever was paid?—*A.* No.

Q. Do not you know that this was a counterfeit ſale?—*A.* I do not know it.

Q. You never heard any thing to cauſe you to believe that all that bargain was counterfeit?—*A.* No.

Q. Did you never hear any thing ſaid to that effect?—*A.* No.

Q. You never heard any thing about it, whether it was counterfeit or real?—*A.* I never heard any talk about it, I think it was real, in my judgment, becauſe I always believed him to be a very honeſt man.

Q. Where was it you ſaw theſe cows yeſterday morning?—*A.* At Bedfont, a boy was driving them to the common.

Q. At what hour was it you ſaw them?—*A.* About ten o'clock in the morning.

Q. You were taken for the expreſs purpoſe of ſeeing if they were the ſame cows that you had ſeen at your houſe?—*A.* Yes; I went down on purpoſe.

Court. Q. What were the marks of theſe cows?—*A.* One was a red and white pole cow, the other yellow.

Q. How long have you known the priſoner?—*A.* About three quarters of a year; I live two miles and a half from him.

Q. What are you?—*A.* A cordwainer.

Q. What is he?—*A.* I do not know; only he uſed to ſell milk, and go to day-labour.

Q. Did you ever know him rent any quantity of land?—*A.* No; I never knew of any land that he had.

THOMAS BRASIER *ſworn.—Examined by Mr. Alley.* I lived ſervant to Mr. Horwell, at the Bull, in Edmonton, in July laſt; a perſon ſent me to Stephen Reynolds on a meſſage, it was a drovingman that wanted to ſee him.

Q. Did the priſoner come to the drover?—*A.* Yes. I left Mr. Horwell's ſervice, on the 24th, and this was a few days before.

Croſs-examined by Mr. Raine. Q. You did not know the drover?—*A.* No.

Court. Q. Do you know the priſoner at the bar?—*A.* Yes.

Q. How long had you known him before that?—*A.* About a month.

Q. Do you know what land he rented?—*A.* No.

JOHN HORWELL *ſworn.—Examined by Mr. Knowlys.* I keep the Bull, at Edmonton; Braſier lived ſervant with me in July laſt; he left me on the 24th.

Croſs-examined by Mr. Raine. Q. Do you know the priſoner at the bar?—*A.* Yes; I have known him near upon two years.

Q. What line of life has he been in?—*A.* He followed the gardening buſineſs.

Q. Do you know whether he rented any quantity of land?—*A.* I know nothing at all of that, whether he did or not.

Mr.

Mr. Alley. Q. Was he a man of good character?—*A.* I never heard any thing to the contrary.

EDWARD STANFORD *ſworn.—Examined by Mr. Alley.* I am a gardener, I live at Edmonton; I have ſeen him often; in July, the night before he bought theſe cows, he and I came home together.

Q. Did you ſee him buy them?—*A.* No.

Court. (To Goddard). Q. Do you know the priſoner at the bar?—*A.* Yes.

Q. How does he get his livelihood?—*A.* He was a jobbing gardener, when I firſt knew him.

Q. What was he in July laſt?—*A.* He carried milk about.

Q. Did he rent any land do you know?—*A.* None that I know, but only that he had of Mr. Jones.

Court. (To Mr. Henderſon). Q. Were cows of this deſcription uſually driven about to gentlemen's houſes?—*A.* No; they were very valuable cows; at that time they were worth thirty guineas; cows at that time were very valuable.

GUILTY Death. (Aged 26.)

Tried by the firſt Middleſex Jury before Mr. Juſtice HEATH.

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68. MARGARET MURRAY was indicted for feloniouſly ſtealing, on the 6th of December, a canvas bag, value 1d. a guinea, a ſeven-ſhilling piece, and three ſhillings and ſixpence in monies numbered, the property of John Powell, privily from his perſon.

JOHN POWELL *ſworn.*—I belong to the General Poſt-office; I am in the Mail Coach-office, as guard: Laſt Saturday night, about twelve o'clock, as I was going from the office, with a baſket on my ſhoulder, going home towards Hyde-park-corner, I had occaſion to ſtop at the corner of a court, in Caſtle-ſtreet, Leiceſter-fields, the priſoner aſked me to go and give her ſomething to drink; I told her, no, it was time to go home; preſently, I found her hand at the top of my baſket; I found my ſmall canvas bag that I had had in my pocket, at the top of my baſket, looſe; I heard ſomething chink like money from her hand in her pocket; I accoſted her, and ſaid ſhe had robbed me; ſhe ſaid, of what; I told her I would not tell her what ſhe had robbed me of, till I had got her to the watch-houſe; I called the watchman, but could find none; I took her myſelf to the watch-houſe; I never let her hand go from her pocket till I got her there; I gave charge of her to the conſtable of the night, and told him ſhe had robbed me of an old guinea, and a ſeven-ſhilling piece wrapped up in a piece of paper belonging to the Poſt-office, and ſome ſilver, three ſhillings and ſixpence, or four ſhillings and ſixpence, I am not poſitive which; the conſtable found all the property upon her according to my deſcription, in her pocket; I left her there, and went to Bow-ſtreet on Monday; there was only two-pence halfpenny found in her pocket, beſides my money; the ſeven-ſhilling piece was wrapped up in a ſmall piece of a letter; what I found upon her was exactly what I miſſed.

Q. Where had your bag been before you loſt it?—*A.* In my left hand breeches pocket; I did not feel it go; I had no ſuſpicion till I heard the money drop in her pocket.

GEORGE DONALDSON *ſworn.*—I am a conſtable of St. Martin's in the fields: On Saturday, the 6th of this month, the proſecutor brought the woman into the watch-houſe, he had hold of her right hand; he charged her with robbing him of a guinea and ſome ſilver; he ſaid nothing about a ſeven-ſhilling piece, to my knowledge, at the time he charged her; I then took her down into the watch-houſe hole below, ſhe was rather obſtreperous, and I was obliged to get the beadle and watchman to hold each hand while I ſearched her pocket; in conſequence of ſearching her pocket, I found a guinea, four ſhillings and ſixpence in ſilver, two penny-worth of halfpence, and a ſeven-ſhilling piece covered up in this piece of paper, *(produces the money);* ſhe ſaid, there are three ſhillings of my own there; I then took her up ſtairs, and wrote the charge in the book; while I was writing the charge, ſhe wiſhed me to give him his money back, and let her go about her buſineſs.

Priſoner's defence. I was ſaving up my money to redeem ſome things; the guinea I had ſent from a perſon in the City, towards getting my things again; and half-a guinea I had had a fortnight; going along I ſaw this man, he wanted me to go along with him, and I would not; and he pulled me about, and broke my apron-ſtring; and the conſtable uſed me very ill; it was my own money.

GUILTY Death. (Aged 44.)

Tried by the firſt Middleſex Jury, before Mr. RECORDER.

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69. CHARLES WILLIAMS was indicted for feloniouſly ſtealing, on the 23d of December, a cotton gown, value 10s. the property of John Salkeld, privately in his ſhop.

(The caſe was opened by Mr. Knowlys).

JOHN BOYD *ſworn.*—I am ſervant to Mr. Salkeld, in Fleet-ſtreet, a pawnbroker and ſilverſmith: On Saturday night, the 23d of December, about twelve o'clock, I was at the other end of the ſhop from the priſoner at the bar; I came down and heard a diſpute between one of the witneſſes, Robert Peart, and the priſoner at the bar, reſpecting the duplicate, which he ſaid he had not given him, of a coat that he had pledged; I preſſed the priſoner very much, as it is very frequently the caſe, when we give a perſon a duplicate, that it falls over on their ſide;

I preſſed

I preſſed him to look if it was there; he refuſed to look; I deſired him to ſtand on one ſide and let me look; he refuſed; upon which I puſhed him back, and ſaw the gown ſticking between his legs; the puſh that I gave him puſhed him back, and made him drop it from him; I immediately jumped over the counter, and ſeized him by the collar; ſays I, you raſcal, you might well not move, when you had got this gown; ſays I, you are a thief, I ſhall give charge of you; I immediately ſent for the watchman, Robert Hall.

Q. Did you at all perceive him take this gown?—*A.* I had not the ſmalleſt idea of it, I had had it in my hands not two minutes before; I had laid it upon a place that we have under the counter to be ſent up ſtairs, and after we have done buſineſs the lad carries up the goods again; it was fetched down for a cuſtomer, it was the wrong one, and had not been carried up again.

Court. Then there is an end of the capital part; it is not a ſhop, it is a pledge, not an article for ſale, and cannot come within the ſtatute.

Mr. Knowlys. I thought ſo myſelf, my Lord.

Q. Was it within his reach?—*A.* Yes, juſt over the counter; I was going to the watch-houſe, I left him in cuſtody of the watchman to go back for the gown; when I returned, I did not ſee either watchman or man, but was purſuing my way to the watch-houſe; juſt at the end of Chancery-lane I ſecured him, after a great deal of reſiſtance.

Q. You were very much wounded with that reſiſtance?—*A.* Yes, very much; my hand is not well now, it was ſewed up in four places; and he cut me very much over the eyes.

The priſoner did not ſay any thing in his defence. GUILTY (Aged 20.)

Of ſtealing, but not privately.

Tranſported for ſeven years.

Tried by the London Jury, before Mr. Juſtice HEATH.

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70. JOHN FOOT was indicted for feloniouſly ſtealing, on the 6th of December, two ewe ſheep, value 30s. the property of James Berry, Eſq.

(The caſe was opened by Mr. Raine).

JAMES BERRY, Eſq. *ſworn.—Examined by Mr. Raine.* I live on Sunbury-common, near Eaſt Bedfont: I did not know that I had loſt any ſheep till I had an application on the 7th of December from the conſtable of Staines; I ſent my ſervant with the officer to Staines to look at the ſheep; I was preſent when my ſtock was examined the next morning, about eight o'clock, when we miſſed two ewe ſheep; the officer of Staines brought back the two ſheep that I had loſt about eleven o'clock the ſame morning.

Q. Were thoſe your ſheep that were ſo brought back?—*A.* They were; the priſoner at the bar has been employed by me for ſome time, but not at the time of the robbery; he was a ſhepherd employed by my farmer, and looked after them when they were ſick.

Q. Who marked your ſheep?—*A.* The priſoner marked them, and ſheared them; the mark is a B ſurrounded by a ring.

Mr. Knowlys. *Q.* The priſoner was not a ſervant of your houſehold?—*A.* No.

Jury. *Q.* Do you know of any other ſheep with the ſame mark upon the common?—*A.* No.

EDMUND BETTS *ſworn.*—I was employed in looking after Mr. Berry's ſheep; we had them into Mr. Berry's yard, and counted them, about eleven o'clock on the Tueſday morning, we told them out at the gate, and put them on Sunbury-common; I was ſent for on the Friday morning following to count them, and then I miſſed two ewe ſheep, the ſame morning about eight o'clock, they were brought back again; I knew them to be the two that were miſſing, the mark had been picked out a good deal, but we could ſee it plain enough, it was a B in a round O; the priſoner was employed by Mr. Berry to look after them occaſionally; he ſheared them, and marked them.

Mr. Knowlys. *Q.* You know a little about age, perhaps—what age were theſe?—*A.* What we call two years ſheep.

Jury. *Q.* How many ſheep were there when you firſt counted them?—*A.* Twenty-three.

Q. How many were there afterwards?—*A.* Twenty-one.

Q. Where were they marked?—*A.* On each ſide, juſt behind the ſhoulder.

JAMES PAYNE *ſworn.—Examined by Mr. Raine.* I am a butcher at Egham: The priſoner came, on Sunday the 3d of December, to the Nag's-head, at Egham, in company with his ſon, and ſent for me from the King's-head, I was at a veſtry; I went to him, his ſon was fuddled, and very rude, and I could not have any converſation with him; then he himſelf appeared to be very ſober, I told him to come out of doors, I would have nothing to do with his ſon he was ſo rude; he accordingly came out, and told me he could help me to ſome mutton; I aſked him whoſe they were, or what they were; he made me no anſwer to that, but ſaid, he could help me to ſome at half its value; he then ſaid, would I have them dead or alive; I told him I had rather have them alive, and then I could kill them myſelf; he ſaid the ſheep belonged to a gentleman, that they were turned out upon the common without counting, and he could help me to ſome at any time; he aſked me how many I would have; I ſaid two; he ſaid, I might as well have three, and he would get them up on the Wedneſday following;

I aſked

I aſked him at what time; and he ſaid, at nine o'clock, at his houſe in Bedfont-lane, that was all that paſſed on the Sunday; accordingly I went on the Wedneſday to the priſoner's houſe, having firſt gone to Sir William Gibbons, a Magiſtrate, to clear up the point, that I might not be thought to buy ſtolen goods; in the evening I took Bridger, the conſtable of Staines, with me, till I got near the priſoner's houſe; I left the conſtable in the neighbourhood, and went to the priſoner alone; when I got there, he ſaid, I have been looking out for you ſome time, that was about nine o'clock; I aſked him if he had got the ſheep; he ſaid, yes, they were in the ſtable; I followed him to the further end of the ſtable, and, in the ſtall, there were three ſheep; he removed a truſs or two of ſtraw, and pulled one out, I went into the place and ſaw two more; he aſſiſted me in putting the ſheep into my cart; as ſoon as we had put them into the cart, I ſaid, that we might have no words afterwards, I begged him to fix upon the price; he ſaid the price was to be a guinea for the three.

Court. Q. Was that a fair price?—*A.* No, not near the value of them; I then got into the cart, and drove away; when I had got to the turnpike, I ſtopped my horſe, got out of the cart, and returned back to his houſe; I met him at the corner of the houſe, put a piſtol to his breaſt, and told him he was my priſoner, he muſt go along with me; by that time the conſtable, Bridger, came up, and we took him, and put him into the cart along with the ſheep, and drove to Staines; on Thurſday, the 7th, we took him to Sir William Gibbons, he ordered him back to Staines as a priſoner, and deſired the conſtable to endeavour to find out who the ſheep belonged to; they were left in his hands, and the next day I went before Mr. Wood, the Juſtice.

Croſs-examined by Mr. Knowlys. Q. How far is Egham from Sunbury-common?—*A.* As nigh as I can gueſs, about five miles.

Q. How far is the priſoner's houſe from Sunbury-common?—*A.* About a mile and a half.

Q. He ſent for you from the veſtry, on the Sunday, and told you, without any heſitation, making no ſecret of it, that he could get you ſheep at any time?—*A.* Yes.

Q. And it was not till Wedneſday that he was to get them up?—*A.* It was on the Wedneſday.

Q. What did you underſtand by getting them up, getting them off the common?—*A.* Yes.

Q. I dare ſay as you had juſt come out of the church, that you had goodneſs and charity enough to ſay to him, why, no, don't you go and rob your neighbour?—*A.* No, I did not think any thing about it at that moment.

Q. You had juſt come from church, had not you?—*A.* No; I was at the public-houſe, I had not been at church that day.

Q. You did not think it a bad thing then, that he ſhould ſteal his neighbour's ſheep?—*A.* I thought it was a bad thing, and I thought it right to detect him.

Q. Did you tell him not to go on in that way, that it was bringing himſelf, body and ſoul, to deſtruction?—*A.* I did not think of giving him a caution at that time, becauſe he had told me he had had ſome before.

Q. Upon your oath, did you give any information of it till the Wedneſday?—*A.* No, I did not.

Q. Is there any body here from Sir William Gibbons's, who heard you give that information?—*A.* Yes.

Q. You did not at all prevent the man from committing the offence?—*A.* It did not reſt with me.

Q. Yes, it did, with any honeſt man—the conſtable did not go with you to the door?—*A.* No.

Q. He was not in ſight when you took the ſheep?—*A.* No.

Q. Is there any body here who ſaw the priſoner deliver the ſheep to you, or are we to take that account from you only?—*A.* There was a boy there, but not at the time he gave me the ſheep; Mr. Bridger might ſee it, for any thing that I know, for he was very near the ſpot.

Q. When the ſheep were found by the conſtable, they were found in your cart?—*A.* Yes.

Mr. Raine. Q. You were at the veſtry, though not at church?—*A.* Yes.

Q. You were there, I take it, upon pariſh buſineſs?—*A.* Yes.

Jury. Q. Have you known the priſoner ſome time?—*A.* Yes, I have.

PHILIP BRIDGER *ſworn.—Examined by Mr. Raine.* I am headborough of Staines; I went with Mr. Payne, on Wedneſday the 6th of December, to the priſoner's houſe, within about twenty yards, he went forward, and lodged the ſheep in the cart, I was waiting oppoſite in the road, ready to take him, I ſaw Mr. Payne and him lifting the ſheep into the cart; when Mr. Payne had got about forty yards from the houſe, he ſtopped his cart and returned to the priſoner's houſe; I came up while he and the priſoner were talking together, Mr. Payne put a piſtol to his breaſt, and ſaid, you are my priſoner, and I immediately aſſiſted him to take Foot, we took him in the cart along with the ſheep to Staines; we kept the ſheep locked up on one ſide the headborough's houſe, and the priſoner on the other, I had the key; the next day, Thurſday, I went to enquire for the owner of the ſheep, I had ſeen a mark upon them of a B in a round O, which had been partly picked out, but

was.

was very viſible; I went to Mr. Berry's, and ſaw Mr. Greathurſt his ſervant, who went with me to Staines; I ſhewed him the ſheep, and he ſwore to them the next morning, before Mr. Wood.

WILLIAM GREATHURST *ſworn.—Examined by Mr. Raine.* I am ſervant to Mr. Berry; on Tueſday the 5th, in company with Betts, I counted the flock, they were then all right, and on the Wedneſday I went with Mr. Bridger to Staines, and there I ſaw the two ewe ſheep that had been miſſing, they were in the ſtock-houſe, they had Mr. Berry's mark upon them, it had been endeavoured to be picked out, but was ſtill viſible; the next morning I went before Mr. Wood, *(the witneſs produced the iron with which the mark had been made;)* I tried the iron with the mark, and it correſponded with what remained.

Mr. Berry. This is the iron which the priſoner uſed for the purpoſe of marking the ſheep.

The priſoner did not ſay any thing in his defence, but called ſix witneſſes, who gave him a good character.

GUILTY Death. (Aged 55.)

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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71. JAMES MACKNEAL was indicted for breaking and entering the dwelling-houſe of Richard Martin, no perſon being therein, about the hour of four in the afternoon, of the 3d of December, and ſtealing four ſilver tea ſpoons, value 6s. a pair of ſilver tea tongs, value 3s. a pair of ſilver knee-buckles, value 2s. and fifteen pounds in money, a Bank-note, value 5l. another Bank-note, value 2l. and another Bank-note, value 1l. the property of the ſaid Richard.

Second Count. For breaking and entering the ſaid dwelling-houſe, about the hour of nine in the night, of the 3d of December, and ſtealing the like goods, monies and notes.

(The caſe was opened by Mr. Peat.)

JANE MARTIN *ſworn.*—I live now in Ratcliff-highway, I did live in Brook-ſtreet, Ratcliff, at the time of the robbery: On the 3d of December, about one o'clock, I went out, I did not leave any body in the houſe; I returned about a quarter before ten at night; I left the door double locked, I faſtened the ſhutters inſide; when I returned, I found the houſe broke open, and my boxes all empty; they were all locked when I went out, the locks were not hurt; I miſſed ſome caſh and notes, I cannot pretend to ſay how much, there was gold and ſilver; the notes were, ſome ones, ſome twos, and a five.

Q. When did that five pound note come into your poſſeſſion?—*A.* I cannot ſay.

Q. You had no more than one five pound note?—*A.* I believe not.

Q. Did you ever ſee the notes again?—*A.* No.

Q. Have you never ſeen any of them ſince that day?—*A.* No.

Q. Where were theſe notes depoſited?—*A.* I am no ſcholar, I cannot ſay.

Q. Recollect yourſelf, it does not require much ſcholarſhip to know where the notes were depoſited?—*A.* What I had were together in the trunk.

Q. Did that trunk appear to be broke open that your notes had been depoſited in?—*A.* It was open, I cannot ſay whether it was broke or not.

Court. Q. How do you know the notes were in that trunk?—*A.* Becauſe I kept what little property I had in it.

Q. The number of notes and the value of them you do not know?—*A.* No, indeed, I do not.

Q. How do you know that you had any note to the amount of five pounds in that trunk?—*A.* I cannot ſay only from what I am told.

RICHARD MARTIN *ſworn.*—On the 3d of December I went out to ſpend the afternoon, when I came home in the evening, I found the ſtreet door ſingle locked, it has a ſpring-lock, my wife gave me the key; when I went in, I ſaw the boxes unlocked, and the clothes turned out and thrown on the floor, one was unlocked, and the other was broke open, it was a claſp outſide, and that was wrenched.

Q. Do you know what was in it?—*A.* I cannot ſay to every thing, there were four ſilver tea-ſpoons in a box, that my wife called a caravan; there were Bank-notes, ones and twos, and fives, they were mine; I left them in the box that was unlocked; I am in the public line, we do not always know exactly how much we have, there was a five-pound note found upon the priſoner; I was preſent when he was apprehended, that was the next day.

Croſs-examined by Mr. Knapp. Q. As you are in the public line, you are in the habit of taking ones, twos, and five pound notes?—*A.* Yes.

Q. And you deliver them over to your wife to take care of?—*A.* Yes.

Q. And you take no further particular notice of them, even this note that is about to be produced, you will not ſwear to?—*A.* No; I cannot ſwear to it.

NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. Baron THOMPSON.

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72. ELIZABETH HILLIARD, alias COX, was indicted for feloniouſly ſtealing, on the 21ſt of December, a ſatin bonnet, value 5s. and a velvet bonnet, value 10s. 6d. the property of Ralph Hall, privately in his warehouſe.

RALPH HALL *ſworn.*—I keep a warehouſe, No. 62, Cornhill.

Q. Is

Q. Is it a private warehouſe, or do you expoſe goods to ſale there?—*A.* I expoſe goods to ſale. On Thurſday, the 21ſt of December, about ſeven o'clock in the evening, the priſoner at the bar came into my front ſhop.

Q. Look at the priſoner, and ſee if you are ſure ſhe is the perſon?—*A.* I am ſure of it, I have known her for years; ſhe came into the front ſhop, and went towards the back ſhop, I opened the back ſhop door to ſee who it was, and ſhe ſaid, I am come to order a bonnet on my own account, Mr. Hall; I aſked her to walk up ſtairs, and I would ſhew her ſome; I went up with her, and ſhewed her ſeveral bonnets that were there, ſome of which ſhe tried on, but being none that ſeemed to pleaſe her fancy intirely, I came down ſtairs where there were ſome more, and took them up to her; when I went up ſtairs again, I ſaw upon the table a black ſatin bonnet that had been finiſhed that morning, which is the bonnet contained in the indictment; ſhe ſaid, ſhe looked very well in them, but ſhe wanted a purple one; I told her I had not a purple one made, but I would get one made for her; ſhe ſaid, ſhe had ſeen one in Bond-ſtreet, and another in Chiſwell-ſtreet; as ſhe preferred having one of mine, if I would ſend one of my young ladies to Chiſwell-ſtreet, ſhe would ſee which ſhe would have; ſhe then obſerved her name was Mary Cox; I knew ſhe had lived with Mr. Hilliard, who keeps the Poultry-compter, I did not know that he had married her, but he tells me that he has married her; I obſerved to her, if you ſhould not come for it where ſhall I ſend it; and ſhe gave me a direction to Alderſgate-ſtreet; the next morning Miſs Patrick, my ſhop-woman, enquired about the ſatin bonnet, aſking if I had ſold it the preceding day; I told her I had not ſold it, but I ſaw it lying upon the table when Mrs. Cox was there; there being nobody in the warehouſe from the time ſhe was there, till the time we miſſed it the next morning, a ſuſpicion fell upon her; I went to Alderſgate-ſtreet, and I found it to be a very large houſe, with a board up to let it, which confirmed my ſuſpicion; notwithſtanding which, the bonnet was made againſt the time ſhe ordered it to be done, but ſhe never came for it; the next morning, Saturday, the velvet bonnet was miſſed; on the Wedneſday after, I met Mr. Hilliard in Cornhill—

Q. You muſt not tell us what paſſed between you and him?—*A.* On the Wedneſday following, in Charter-houſe-ſquare, I met Mrs. Carney, a perſon I never ſaw before in my life, I was very ſure that the bonnet ſhe had on was one that was made at our ſhop; ſhe paſſed me, and I came back, and begged her pardon, and ſaid, Madam, pray did you buy that bonnet in Cornhill, that was the ſatin bonnet; ſhe ſaid, no, Sir; but pray why do you make this enquiry of me; I aſked her if ſhe knew Mrs. Hilliard; ſhe ſaid, no; I ſaid, I cannot let you go, I will treat you like a gentleman, but I cannot let you go till I know where you had this bonnet; ſhe went with me, and told me ſhe would take me to where ſhe had the bonnet; ſhe took me to a two pair of ſtairs room in Grub-ſtreet, to the room of a Mrs. Clements; there was a converſation between them, and they ſaid, they were willing to come forward to bring the priſoner at the bar to juſtice; Mrs. Clements ſaid, ſhe had it of the priſoner; I left the ſatin bonnet at a gentleman's houſe in Bunhill-row, Mr. Bellamy's, who is not here, and it remained there till the Thurſday; the next day, when we went before a Magiſtrate, a young man brought it to the Magiſtrate, whoſe name is Madder.

Q. How did you know it to be the ſame bonnet?—*A.* I know it by the make of the bonnet; and the caul had been cut by Mrs. Carney to get her head into it.

Q. What is the value of this ſatin bonnet?—*A.* Five ſhillings.

Q. Can you ſay, with certainty, that that is the bonnet that was upon the table when the priſoner was there?—*A.* I believe it was, and I have no doubt of it; I will not ſwear poſitively that it is, but I will poſitively ſwear it is a bonnet that was made at our houſe.

Q. How many may you have made of that ſort?—*A.* Thirty or forty, more or leſs.

Q. Before ſhe was at your ſhop?—*A.* Yes.

Priſoner. Q. Whether there was not another perſon in the room at the time I was looking at the bonnet?—*A.* Yes; Lucy Patrick, the ſhop-woman.

LUCY PATRICK *ſworn.*—I am ſhop-woman to Mr. Hall: About five minutes after Mrs. Hilliard was gone, I went up ſtairs into the warehouſe, to put away the bonnets; I put away the bonnets, and ſhut the caſes; I did not miſs it till the next morning, nobody had been there but myſelf during that time, I miſſed a black ſatin bonnet; I then went down ſtairs, and aſked Mr. Hall if he had ſold that bonnet the day before; he told me, no; I went up ſtairs again, and ſearched all over, but could not find it; and on the Saturday morning, I miſſed the velvet bonnet, I had no recollection of ſeeing it on Friday; I enquired of Mr. Hall, who told me he had not ſold it.

Q. How long had you made theſe kind of bonnets?—*A.* About two months, but at that time we had but that one that we had miſſed of that pattern; I mean the ſatin one.

Q. Was the velvet bonnet a common pattern?—*A.* Not a very common pattern, we had not made them above a fortnight; I could ſwear to the pattern of the bonnet, but there is a young lady in

Court,

Court, that made it, who can ſwear to the whole of her work; I was up ſtairs about two minutes with her and Mr. Hall; there was nobody elſe there.

MARY CARNEY *ſworn.*—My huſband is a hair-dreſſer, No. 9, Chiſwell-ſtreet: On Saturday, the 23d of December, I went to call upon a woman that does work for me, at No. 18, Grub-ſtreet, and ſhe told me, a perſon in the two-pair of ſtairs had got a bonnet to ſell; ſhe called to Mrs. Clements to bring down the bonnet, and ſhe brought it down, it was a ſatin bonnet; ſhe ſaid it was worth eight ſhillings; I objected to the bonnet, and did not wiſh to have it, it was too much money; and then Mrs. Clements called to the perſon up ſtairs, who I believe was Mrs. Hilliard, to know if ſhe would not take leſs; Mrs. Clements ſaid, a crown would be the loweſt price; at laſt I bargained with her for it, for four ſhillings and three pence, if ſhe would let me ſhew it to my huſband firſt; ſhe ſaid it was her own, and that it had been made a preſent of to her, that ſhe wanted money that evening very bad; I took it away, and heard no more of it that night; on the Wedneſday following, I was going through Charter-houſe-ſquare, and met Mr. Hall, he aſked me where I bought that bonnet; he told me it had been ſtole from him, and I took him to Mrs. Clements immediately; Mr. Hall requeſted me to go to Mr. Bellamy's, his friend, in Bunhill-row; I left the bonnet there without any conſtable or officer; I took Mr. Hall to the woman's apartment; I ſhewed Mr. Hall the woman, and ſhe ſaid, yes, Mrs. Carney, you bought the bonnet of me; I never ſaw the priſoner till I ſaw her before the Alderman.

REBECCA CLEMENTS *ſworn.*—I lodge at No. 18, Grub-ſtreet; the priſoner lived at No. 5, Grub-ſtreet; I chair for Mrs. Carney: On Saturday, the 23d of December, the priſoner came to me, and aſked me to ſell a ſatin bonnet for her; I told Mrs. Southwell, I ſold it to her for Mrs. Hilliard; after Mrs. Carney had told Mrs. Southwell that I had got a bonnet to diſpoſe of, I carried it down to Mrs. Carney; Mrs. Hilliard deſired me to aſk eight ſhillings for it, and I might take five ſhillings, if the lady liked to buy it; Mrs. Carney ſaid, if ſhe bought it at all, ſhe muſt have it for four ſhillings or four ſhillings and three-pence; I called out to Mrs. Hilliard, to know if ſhe would take that, or if ſhe might take it home to ſhew her huſband, and ſhe ſaid, by all means; ſhe did take it to her huſband before ſhe paid the money for it; when Mrs. Carney returned with four ſhillings and three-pence, at Mrs. Hilliard's deſire, the three-pence was ſpent.

Q. Did you aſk her for more than that?—*A.* No.

Q. Did you ever ſay to Mrs. Carney, it was your own?—*A.* No; it was Mrs. Hilliard's.

Q. Did you ever ſay to her that it was your own, and you could not take leſs than four ſhillings and three-pence?—*A.* No; I did not

Q. Did you never ſay that this was your own, and you wanted money that evening?—*A.* Not that it was my own, I ſaid, I wanted the money that evening, that was for Mrs. Hilliard.

Mrs. Carney. She ſaid, it was her own, that it was made a preſent to her, that ſhe had a child that had ſome clothes in pledge, and ſhe muſt have them out that night.

Q. *(To Clements).* Q. Did you tell her it was your own?—*A.* No.

MARY COLEMAN *ſworn.*—I only come to identify the bonnet, *(the ſatin bonnet produced)*; this is Mr. Hall's property, I made it, it is my own work, we had not another of the ſame kind as this made at the time.

Q. Are they all made to one pattern; is there any thing particular in that that you can ſwear to?—*A.* There is a difference in the buckram of which the inſide crown is made, it is made of two pieces of buckram of a different kind, it was finiſhed on the Thurſday morning; I am confident it is a bonnet made by me.

Q. Suppoſe that bonnet had been ſhewn you at York, do you think you ſhould have known it, and ſaid this is my making?—*A.* I am certain I could.

Jury. Q. Did you never make another with two different pieces of buckram?—*A.* No.

Q. *(To Mr. Hall.)* What was it that you judged of, by ſeeing it upon Mrs. Carney's head?—*A.* The general form of it.

Q. When ſhe pulled it off, did you obſerve the inſide of it?—*A.* No.

Q. Are you quite ſure, for the reaſons that you have ſtated, that that is the bonnet that you ſaw upon Mrs. Carney's head?—*A.* I have no doubt in the world of it.

Q. You have no doubt that it is your property?—*A.* I have none in the world.

JOHN-FREDERICK MADDER *ſworn.*—I took that bonnet from Mr. Bellamy's to the Magiſtrate; I received it from Mr. Bellamy himſelf.

ELIZABETH-PAGE MADDER *ſworn.*—I ſaw a velvet bonnet in the priſoner's hand, on Saturday, and a ſatin bonnet, at my houſe, where ſhe lodged.

Priſoner's defence. My Lord, I am entirely unprotected, I have nothing to expect but your mercy and humanity; I am perfectly innocent; I am unprotected through the ill uſage of a huſband; I thought Friday would have been the day of trial, ſo that I am taken entirely at a diſadvantage.

NOT GUILTY.

Tried by the London Jury, before
Mr. RECORDER.

73. URIAH MOSES, and ANN BENJAMIN, were indicted, the firſt, for breaking and entering the dwelling-houſe of William Holmes, about the hour of ſix in the night of the 8th of December, and ſtealing ſeven ſilk handkerchiefs, value 30s. thirty yards of lace, value 30s. and fifty-eight yards of calimanco, value 40s. the property of the ſaid William; and Ann Benjamin, for feloniouſly receiving ſeven ſilk handkerchiefs, fifteen yards of lace, and fifty-eight yards of calimanco, part of the ſaid goods, knowing them to have been ſtolen.

WILLIAM HOLMES *ſworn.*—I am a linen-draper and mercer, in Whitechapel: On Friday the 8th of December, the glaſs of my ſhop-window was cut, and ſeveral articles miſſing, four or five cards of black lace, ſome is what is called Britiſh lace, two pieces of ſilk handkerchiefs, and two pieces of calimanco, one was brown, the other drab colour; the whole of them were worth, I ſuppoſe, ſeven or eight pounds, the calimancos are worth about thirty ſhillings each, the ſilk handkerchiefs are worth about thirty-five ſhillings, the lace I cannot exactly ſay what quantity there was of them, they had been cut, and therefore I cannot ſay.

Q. What time did you diſcover that theſe things had been taken away?—*A.* About ſix in the evening; I diſcovered it by ſeeing the window broke, and miſſing the things; I did not hear the window break; next morning, the officers belonging to the Whitechapel office produced part of my property; a number of the things in the window were tinged with blood, the edges of the papers were as if ſomebody had cut their hand, and drawn it down.

Q. Did it appear to be cut with a diamond?—*A.* Yes, there was a piece left by the frame; ſome of the glaſs remained in the inſide of the window, and ſome out.

Q. Who was it produced them to you?—*A.* Thomas Griffiths.

SARAH HENLEY *ſworn.*—I am a night nurſe at Guy's-hoſpital: The priſoner, Moſes, came to the hoſpital on Wedneſday, and came out on Friday the 8th of December; he was taken out by ſome men that came after him, the conſtables.

Q. Do you remember if he was in the hoſpital on Friday the 8th of December?—*A.* I ſaw him coming down ſtairs with two men as I went up ſtairs, about eight o'clock in the evening; I always go to bed in the afternoon, and come to the hoſpital about eight, he never returned to the hoſpital again; I went up to the ward where he had ſlept, about ten o'clock, and in examining his bed I found a card of lace. *(Produces it.)*

Holmes. This lace has my private mark upon it; I had put it in the window on the 8th of December, in the morning.

Mr. Agar. *Q.* Have you any partners?—*A.* No.

JOHN NOWLAN *ſworn.*—I am a conſtable: On the 8th of December, I took the priſoner into cuſtody in Guy's-hoſpital; the back part of his hand was cut in ſeveral places, here is a part of a ſhawl which I found in the bed where he was, very bloody, *(produces it)*; I aſked him how he cut his hand; he told me he was at his father's, in Petticoat-lane, and as he was going over London-bridge, he had a tea-pot in his hand, he tumbled down and cut his hand with the pieces.

Croſs-examined by Mr. Agar. *Q.* There were a great number of people in the room where he ſlept?—*A.* Yes, a great number.

Q. You found nothing upon him when you took him?—*A.* Only two knives.

Q. No diamond?—*A.* No.

Q. At that time he was in bed?—*A.* Yes; he ſaid he had been in bed about half an hour, it was then a quarter after ſeven o'clock.

THOMAS GRIFFITHS *ſworn.*—I am a peace officer; I went to Mrs. Benjamin's houſe on the 8th of December, between ſix and ſeven in the evening, in conſequence of an information, I went in company with John Griffiths and Edward Smith, two other officers; when we came there, I found Mrs. Benjamin, and two or three women, ſitting in the room on the right hand ſide as we went in; I then aſked her what was become of the property that was brought in by three or four boys a little before; ſhe ſaid, be quiet a bit, you will ſpoil me; ſays ſhe, if you will ſtop a little I ſhall have a good thing for you by and by; I then inſiſted upon her going with me up ſtairs, to ſee where this property was; ſhe, in company with Edward Smith and myſelf, went into the one pair of ſtairs back room, and between the bed and the ſacking, I found this property. *(Produces them).*

Q. How came you to look there?—*A.* I turned up the clothes, and found it upon the ſacking; when I counted over the things, I found three pieces of lace, two pieces of ſilk handkerchiefs, containing ſeven handkerchiefs, and theſe two pieces of calimanco, one piece with a good deal of blood on the paper; I then aſked Mrs. Benjamin what was become of the boys that brought it into the houſe; ſhe ſaid, ſhe believed one boy was gone to Guy's-hoſpital, that he had cut his hand, that it bled very much, and ſhe had lent him an old ſhawl to wrap round his hand to dry up the blood; I then came down ſtairs and took the property to the office, leaving her in cuſtody with Griffiths and Smith.

Croſs-examined by Mr. Knapp. *Q.* I believe you found that this houſe was a houſe let out to lodgers?—*A.* The door of the apartment they generally ſleep in themſelves was locked.

Q. I aſk you if you do not know that this houſe was

was let out to lodgers?—*A.* There are other people in the houſe.

Q. Do you not know that this very room was occupied by another perſon of the name of Ann Smith?—*A.* I believe there was a woman that ſlept in that room.

Q. You had ſeen the boys immediately before you went to this houſe?—*A.* No; I went down immediately upon my getting the information.

Q. Did not Mrs. Benjamin give you information, before you went up ſtairs, where theſe things were to be found?—*A.* I believe ſhe ſaid they were in the one pair of ſtairs back room.

Q. Did ſhe not tell you, that that room belonged to Ann Smith?—*A.* That might have paſſed; I cannot ſwear that it did not.

Q. The perſon whom ſhe repreſented as having cut his hand, was apprehended?—*A.* Yes.

Q. Did he appear to have that bloody appearance upon his hand that ſhe repreſented?—*A.* Yes.

Q. Then, in ſhort, the account that ſhe gave, turned out to be true?—*A.* Yes.

Q. And the information that ſhe gave you, led to the diſcovery of this buſineſs?—*A.* Yes.

Court. *Q.* Had ſhe told you the things were in the back room, before you inſiſted upon going up ſtairs?—*A.* I believe, when we were going up ſtairs, ſhe ſaid ſomething about it, but I do not recollect whether ſhe did or not.

Holmes. I loſt theſe things from my window, the handkerchiefs I cannot ſwear to, my private mark has been rubbed off, it was put on with a red lead pencil; they are the ſame ſort of handkerchiefs, and the number that I had loſt, it was a piece; I had divided it that morning into four handkerchiefs, and three handkerchiefs; the calimancos and lace had my private mark upon them.

Jury. (To Griffiths.) *Q.* Was Smith, who rented this room, below with Mrs. Benjamin, at the time you went in?—*A.* I believe ſhe was.

Moſes's defence. I know nothing at all of it.

Benjamin's defence. I am a married woman, I am very innocent of it, I follow no buſineſs, but let my houſe in lodgings, the officer, Smith, came in firſt, and I told him, when he aſked me, that there was ſomebody went up to Mary with a bundle; he aſked me to let him have a candle, and I ſaid, I could not give him the candle, becauſe it was Friday night.

EDWARD SMITH *ſworn.*—I went into the houſe firſt, and aſked her where the property was that was juſt come into the houſe, it could not have been in the houſe above five or ſix minutes; we ran as faſt as we could; upon receiving the information, ſhe deſired I would make no noiſe, and deſired I would keep out of ſight, ſhe expected the boys back in a minute, that ſhe had paid nothing for them, and if I made a noiſe I ſhould ſpoil it; I aſked her for a candle to go up ſtairs, and ſhe ſaid ſhe could not touch it, on account of her ſabbath, it was paſt ſix o'clock; I took the candle, and went up myſelf, and found nothing; I returned down again, and then ſhe, and I and Griffiths went up together, and ſhe ſhowed us where the property was; ſhe then told us, that the boy, that ſhe ſuppoſed had cut the window, had cut his hand; ſhe had lent him a ſhawl, that he was gone to the hoſpital, and had taken the beſt piece of lace with him.

Q. Was any thing ſaid about a woman of the name of Smith?—*A.* Not that I recollect; ſhe ſaid it was in the girl's room; ſhe keeps lodgers.

Q. That was after you returned, and could not find it?—*A.* Yes; her own room door was locked, and her huſband was out with the key.

Croſs-examined by Mr. Knapp. *Q.* When you went up firſt, you could not get into the room?—*A.* No.

Q. You did ſearch that room afterwards?—*A.* Yes; ſhe has lodgers in the houſe that men came to ſee.

For the priſoners.

ELIZABETH HICKS *ſworn.*—*Examined by Mr. Agar.* *Q.* Do you know the character of this boy?—*A.* No; I know his mother is a very honeſt hard working woman.

HANNAH SMITH *ſworn.*—*Examined by Mr. Knapp.* I am ſervant to Mrs. Benjamin.

Q. Is ſhe a married woman?—*A.* Yes.

Q. Do you remember this day, when ſome boys brought ſomething to the houſe?—*A.* Yes; a boy bruſhed up with ſomething in his hand.

Q. Was this houſe let out in lodgings?—*A.* Yes.

Q. Was there a woman of the name of Smith lodged in the houſe, beſides you?—*A.* Yes; in the back room one pair, I was in the parlour when the boy came in.

Q. Where was your miſtreſs at that time?—*A.* She was gone to a public-houſe to get change for a guinea.

Q. Does the parlour door open into the paſſage?—*A.* Yes.

Q. Was there more than one boy?—*A.* I ſaw no more, he ran up ſtairs as quick as poſſible.

Q. What is this Ann Smith?—*A.* I believe ſhe is a lone woman by herſelf; I cannot ſay much of her.

Examined by the Court. *Q.* What became of the boy?—*A.* I went after him, and he ſaid he wanted to ſpeak to Mr. Benjamin, I told him he was not at home, nor Mrs. Benjamin, and in the mean time ſhe came, and I came away directly, I did not ſee what paſſed.

Q. You

Q. You did not ſee her give him the ſhawl?—*A.* No; I did not ſee any thing at all of it.

KITTY JACOBS *ſworn.—Examined by Mr. Agar.* I keep a glaſs ſhop in Petticoat-lane, Moſes worked three years with my huſband; I found him very honeſt while he lived with me, he has been gone away three years; I have known Mrs. Benjamin five years, ſhe was a very honeſt woman before ſhe was married, and ever ſince, as far as I know.

FRANCES JEWELL *ſworn.*—I have known Mrs. Benjamin theſe ſeven years, ſhe lived ſervant with me, and a very honeſt hard working girl ſhe was.

Court. Q. How long is it ſince ſhe left your ſervice?—*A.* Seven years ago.

Moſes called three other witneſſes, and Mrs. Benjamin one other witneſs, who gave them a good character.

Moſes GUILTY Death.

Of ſtealing the goods, bnt not guilty of breaking and entering the dwelling-houſe.

Benjamin, GUILTY.

Tranſported for fourteen years.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice LAWRENCE.

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74. DAVID MANN was indicted for that he, on the 21ſt of September, had in his cuſtody a certain paper writing, made for, and in behalf of, Thomas Farmer, for the ſum of nine ſhillings and eightpence halfpenny, then due, and owing to him the ſaid Thomas, from Lord Charles Henry Somerſet, and the indictment further charges, that he, on the ſame day, did falſely make, forge, and counterfeit, under the ſaid paper writing, a receipt for the ſaid ſum of money, with intent to defraud the ſaid Lord Charles.

Second Count. For uttering and publiſhing as true, a like forged receipt, knowing it to be forged, with a like intention.

Third Count. The ſame as the firſt, only laying an intention to defraud Thomas Farmer.

And ſeveral other Counts for a like offence, varying the manner of charging it.

(The indictment was ſtated by Mr. Trebeck, and the caſe by Mr. Fielding.)

The Right Hon. Lord CHARLES SOMERSET *ſworn.—Examined by Mr. Fielding.* The priſoner was an under ſervant, and had the management of my family; he was in the habit, every week, of delivering bills in to Mr. Dowding, and receiving the money from him to pay thoſe bills; paying thoſe bills, and taking the receipts back, I was induced, from ſomething that aroſe, to apply to Thomas Farmer, my baker, the day before the priſoner was committed.

Q. You, I believe, are acquainted with the priſoner's hand-writing?—*A.* Yes.

Croſs-examined by Mr. Gurney. Q. When did he come into your ſervice?—*A.* On the 9th of May?—*A.* I had him from the Duke of Northumberland's.

Q. I take it for granted, you had a very good character with him?—*A.* Certainly.

—— DOWDING *ſworn.—Examined by Mr. Trebeck.* I belong to the Exciſe-office; I inſpect Lord Charles Somerſet's houſehold accounts once a week, generally of a Tueſday.

Q. Do you know Mann?—*A.* Yes; he was ſervant to Lord Charles Somerſet; in the courſe of the laſt ſummer, I checked his accounts, and he paid them.

Q. Do you know whether a perſon of the name of Farmer, was a tradeſman of Lord Charles Somerſet's?—*A.* He was.

Q. Did you check any bill of his that was delivered to you?—*A.* I did; I had it from the priſoner at the bar, *(produces it;)* I returned it to him, he had it from the 29th of Auguſt to the 21ſt of September, or thereabouts.

Q. Did he return it to you in that ſtate?—*A.* No; I gave it him to pay, to get a receipt to it, and give it to me again, I gave him the money.

Q. Whoſe hand-writing is that?—*A.* I cannot undertake to ſay.

Q. Did you ever ſee the priſoner write?—*A.* Yes.

Q. Do you know the hand-writing of Farmer?—*A.* I have ſeen the hand-writing of Farmer.

Mr. Gurney. Q. Did you ever ſee him write?—*A.* Yes.

Mr. Trebeck. Q. Do you believe that is his hand-writing?—*A.* No.

Mr. Gurney. Q. How often have you ſeen Farmer write?—*A.* Twice.

Q. How long ago is it ſince you have ſeen him write at all?—*A.* I ſaw him write yeſterday.

Q. For the very purpoſe of aſcertaining whether this was like his hand-writing?—*A.* No.

Q. Did you ever ſee Farmer write before this queſtion aroſe?—*A.* No.

Q. Will you ſwear poſitively that is not Farmer's hand-writing?—*A.* I think I could ſwear moſt poſitively, by the compariſon of hands, that it is not his writing.

Q. Do you mean to ſay more than this, that having ſeen him write twice, ſince the tranſaction, you think it is not like what he has written ſince?—*A.* It is not like his writing.

Court. Q. Was this bill returned to you on the 21ſt of September, with that receipt to it?—*A.* Yes, with other bills.

Court. Q. As a voucher?—*A.* Yes.

Mr. Trebeck. Q. Was any thing particular ſaid, when he returned this bill?—*A.* Nothing particular; he did not ſay he had paid that bill in particular,

ticular, but he did, as was his uſual way, he brought me the bills as being paid.

THOMAS FARMER *ſworn.—Examined by Mr. Trebeck.* I am a baker; I ſerve Lord Charles Somerſet's family with bread.

Q. Look at that bill?—*A.* That is the bill that was made out, and ſent to Lord Charles Somerſet.

Q. Did you ever give a receipt for that bill?—*A.* No.

Q. Is that your hand-writing?—*A.* No; it is not.

Q. Do you know Mann?—*A.* Yes.

Q. Did he ever pay you that bill?—*A.* He did not.

Q. Did you ever ſee Mann write?—*A.* I do not think I ever did.

Q. Did you ever authorize any body to give a receipt for you to that bill?—*A.* My wife oftener gives them than I do.

Q. Is that your wife's hand-writing?—*A.* The bill is, but the receipt is not.

SARAH FARMER *ſworn—Examined by Mr. Trebeck.* I am the wife of the laſt witneſs.

Q. Was that bill ever paid to you?—*A.* No.

Q. Did you write that receipt?—*A.* No.

Q. Is that your huſband's hand-writing?—*A.* No.

Q. Your ſervant's hand-writing?—*A.* No.

Q. Did you ever authorize your ſervant to give a receipt?—*A.* Not in my name.

Q. Did Mann ever pay you that bill?—*A.* No, he did not.

JAMES MANTLE *ſworn.—Examined by Mr. Trebeck.* I am ſervant to Mr. Farmer; I carried bread to Lord Charles Somerſet's; I carried this bill there.

Q. Is that receipt your hand-writing?—*A.* No. *(The bill and receipt read).*

Priſoner's defence. My Lord, and Gentlemen of the Jury, I am incapable, from indiſpoſition created by the horrid confinement of a priſon, of entering into a long detail of defence; I ſhall only ſtate *(here the priſoner ſwooned away, upon recovering himſelf, he proceeded as follows)*: I beg the attention of the Court for a few moments: My Lord, and Gentlemen of the Jury, I am incapable, from indiſpoſition created by the horrid confinement of a priſon, of entering into a long detail of defence, nor is it my wiſh, in a caſe which has originated in my own imprudence; I hope for mercy from God, and this Court; I never did an act with any intention of diſhoneſty; I look to you, my Lord, and the proſecutor, for mercy; I have been guilty of a very great error, but as to having done it with any intention of diſhoneſty, I never did; it has been occaſioned by ſpeculating, which has cauſed me to do that which is againſt my heart; as I now ſtand at this bar, I hope you will look upon me as a youth unexperienced in vice, it is the firſt falſe ſtep I have ever taken: Under theſe circumſtances, I hope I ſhall not be looked upon as one who has often appeared at this bar. My Lord, I can proceed no further, I rely entirely upon the mercy of the Court, the proſecutor, you, my Lord, and the Gentlemen of the Jury; I hope for mercy, knowing the generous diſpoſition of a Britiſh Court and Jury; I throw myſelf upon your mercy.

GUILTY Death. (Aged 22.)

The priſoner was recommended by the Jury to his Majeſty's mercy.

Tried by the firſt Middleſex Jury, before Mr. Juſtice HEATH.

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75. THOMAS ANNETTS was indicted for breaking and entering the dwelling-houſe of Robert Coſier, about the hour of nine in the night of the 9th of December, and ſtealing, three cloth coats, value 3l. 13s. and a ſtriped woollen waiſtcoat, value 8s. the property of the ſaid Robert; Elizabeth, his wife, Joſeph Porter, and others of his family being therein.

ROBERT COSIER *ſworn.*—I live at Uxbridge, I am a taylor: On the morning of the 10th of December laſt, I diſcovered that my houſe had been broke open; I was up laſt the night before, the doors were then all faſt, and the windows; I heard no diſturbance in the night; my young man got up, as near as I can tell, rather before eight, his name is Joſeph Porter, and he came up to give me an alarm; when I came down, I miſſed the clothes, there was nothing broke; I miſſed a Bath great coat and a blue coat from off my ſhop-board, they were there at night, I had made them but that day; then I went out into the ſtreet, and looking round, I ſaw a neighbour of mine, and in conſequence of his information, I went to the Crown and Sceptre, to take the priſoner, he lived there as a milk-boy, employed by the people that keep the Crown and Sceptre; I found him ſtanding by the fire; as ſoon as I went in, he ſaid to me, maſter, ſo you have had a loſs to-night; I had known him before, as living at that houſe; I ſaid, I have had a very bad loſs; he ſaid, I wiſh I knew who it was, maſter, I would tell you; I ſaid, it is not worth while to have any words about it; I clapped my hand upon his ſhoulder, and ſaid, you are my priſoner, you have got my property; he ſaid, no, he had not; I immediately told him, that he had; and then he ſaid, do not ſay any more about it, maſter, and you ſhall have your property again.

Q. Did you tell him it would be better for him to tell you the truth?—*A.* I ſaid, I would give him what the law allowed him.

Q. Did you tell him you would ſay no more about

about it, if he told you where they were?—*A.* No; I told him that would not do for me; and he told me they were in the hay-loft, up the yard; then I ſent for a conſtable.

Q. Are you ſure you made him no promiſe whatever?—*A.* I am very ſure of it.

Q. Nor did not tell him it would be worſe for him?—*A.* No. The conſtable and I went to ſearch the hay-loft, we left the priſoner in the care of Joſeph Porter; we ſearched the hay-loft, but could not find any thing, then the conſtable ſaid he would go and fetch the priſoner; the conſtable and the priſoner returned to me immediately; we found the property under the hay in the loft; the loft was locked up, and Mr. Rous's daughter, at the Crown and Sceptre, brought us the key; we found in a bag, a ſuperfine mixed cloth coat, a ſtriped waiſtcoat and a mixed Bath coating great-coat with a velvet collar; the priſoner did not ſay any thing when it was found; then the conſtable took him to the cage.

Q. What was the laſt time you had ſeen theſe things?—*A.* I ſaw them at eight o'clock the night before; there is no lock to the door of the ſhop, you go a little way along the paſſage, and then there is the ſhop-door, which is a glaſs door.

Q. And when you got up, you obſerved nothing broke?—*A.* I did not.

Q. Who ſlept in your houſe that night?—*A.* Joſeph Porter.

Q. Did you ſleep in the houſe yourſelf?—*A.* Yes, and my wife, but I did not ſleep with her; and I can give your Lordſhip a very ſufficient reaſon, if you wiſh to hear it, which I dare ſay you would not, ſhe had only laid in a week.

Q. Had you ſeen the priſoner about your houſe that day?—*A.* No.

Q. Did you ever ſee him in your houſe?—*A.* Yes; he uſed to come for pots, and he uſed to bring milk to the houſe.

Joseph Porter *ſworn.*—I am apprentice to Mr. Coſier; I was the laſt in the ſhop, on Saturday night, the 9th of December; I ſaw the coats in the ſhop ſome time after eight o'clock, it was better than half paſt eight, when I left the ſhop; I faſtened the outer door before I went to bed, which was a little after ten; there is a bolt to that door, but it would not bolt; it has a lock, but not a ſpring lock; I was firſt up in the morning, and miſſed the clothes; the key was left inſide when I had faſtened it; I got up juſt before eight o'clock, I called my maſter, and informed him the ſhop had been robbed; I found the door locked, and the key in; the ſhop windows were all ſafe; I went afterwards with my maſter, to the Crown and Sceptre, which is the next door; my maſter went in, and the priſoner ſaid to him, what a misfortune he had had, and if he knew who it was, he ſhould be glad to tell him.

Q. Had your maſter ſaid, before that, any thing about his loſs?—*A.* No; he had not; he then tapped him on the ſhoulder, and told him, he was his priſoner; he denied having them at firſt, and then he ſaid they were up in the loft.

Q. Had your maſter endeavoured to perſuade him to confeſs?—*A.* No; he had not; my maſter then ſent me for a conſtable; I fetched the conſtable, and while he and my maſter went to ſearch, I ſtaid with the priſoner; there was a gentleman in the houſe beſides; they came down again to fetch the priſoner, for they could not find them; I went up with them, and juſt as I had got to the top of the yard, where the hay-loft was, they were found in a bag, the priſoner was preſent when it was examined; there were two coats and a waiſtcoat, one was a great coat, and the other a ſuperfine cloſe coat; we then went into the houſe again, and then I aſked him where the other coat was, and he denied knowing any thing about it; then we had him to the cage; the other great coat was found by the landlord, he is not here.

George Allwood *ſworn.*—I am conſtable of the Town of Uxbridge: I was ſent for by Mr. Coſier, on the 10th of December, at the Crown and Sceptre, and he gave me charge of the priſoner; I was preſent when the two coats and waiſtcoats were found; we ſearched firſt, and could not find them; I then thought it proper to go to fetch the priſoner.

Q. Was any key given you?—*A.* Yes; by a girl in the yard; the things were found at the very inſtant that I brought the priſoner to the place; I did not hear any converſation with the priſoner; the things were put into my poſſeſſion, and they were carried before the Magiſtrate the next day, when they were marked by Mr. Coſier, and delivered to me; I delivered them to Mr. Coſier, he has had the cuſtody of them ever ſince. *(The clothes produced).*

Mr. Coſier. I had cut them all out myſelf, I know them to be mine; the Bath-coating great coat I helped to work myſelf, till ſix o'clock in the evening, that Saturday; and this ſuperfine coat I helped to make that day.

Priſoner's defence. I know nothing of the things; I was up in the loft dreſſing the horſes; I was up there two hours, and the loft window was open all that time; when I had done, I locked the ſtable door and the loft window; and the next morning, I fed the horſes, and went up to the farm, and did my milking; I brought home my milk, and went up and unlocked the loft window and the ſtable door, and they were open about an hour and a half; and then I went in to have my breakfaſt; and as ſoon as I went in, and ſtood by the fire, Mr. Coſier came

came in; I ſaid to Mr. Coſier, you have had a very bad loſs to-night; he clapped his hand upon my ſhoulders, and ſaid I was his priſoner; I ſaid, what for, and he ſaid I knew what for, and then he ſent for a conſtable; whilſt Joſeph Porter was gone for a conſtable, Mr. Coſier and Mr. Benjamin Hayes went up to the loft, and they could not find the things, and then they came down for me; and when I went, Mr. Benjamin Hayes had found the things, and they brought them down out of the loft, and then they put me in the cage. I had lived at the Crown and Sceptre a quarter of a year.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. Baron THOMPSON.

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76. ROBERT FOGG was indicted for feloniouſly ſtealing, on the 14th of December, a caſt iron ſtove, value 5s. the property of John Rogers.

JOHN ROGERS *ſworn.*—I keep a public-houſe, the Salmon and Ball, Bethnal-green: I loſt this ſtove out of the cellar, it was carried there to be out of the way; it was not fixed; I did not miſs the ſtove out of my cellar, till I ſaw it at Mr. Revell's, the broker's door, on Thurſday, the 15th of December; I knew it to be mine by a mark upon the handle, it is bent; I had had it about five months; I can ſwear to it from that mark; I got an officer, and ſtaid with the ſtove while the officer went for the priſoner, and he acknowledged that was the ſtove that he had ſold to the broker; he was taken to the Juſtice's, in Lambeth-ſtreet, and they deſired me to take the ſtove home, which I did, and have kept it ever ſince; the priſoner ſaid, he had found the ſtove.

GEORGE REVELL *ſworn.*—I am a broker, in Whitechapel-road, about half a mile from the proſecutor's; I had known the priſoner ſix years; he was a carpenter in Ratcliff-highway, when I firſt knew him; and he has entered as a ſoldier within theſe two months; I was going to Homerton, to a ſale, with two other brokers, and going along, I met the priſoner, juſt by the Salmon and Ball, he lives within ſix or ſeven doors of the Salmon and Ball, and he aſked me to buy this ſtove; upon that I went to his houſe, next door to the Green Man, and there I ſaw the ſtove, and I agreed with him for half a crown and a pot of beer.

Q. Was that a fair price?—*A.* Yes; they are very unſaleable articles; they coſt five ſhillings new, and this is an old one.

Q. Did you aſk him how he came by it?—*A.* I had no thought of it, he kept a houſe at the time.

Q. Was the ſtove that you bought of the priſoner, the one that Mr. Rogers ſaw at your houſe?—*A.* Yes.

Q. Did he acknowledge in your preſence that he had ſold you the ſtove?—*A.* Yes. *(The ſtove produced).*

ISAAC MILES *ſworn.*—I am a gardener; I was preſent when the priſoner ſold the ſtove to Mr. Revell for half-a-crown and ſome liquor; I believe this is the ſtove, to the beſt of my knowledge, but I cannot ſay poſitively; it was about ten weeks ago, or it may be more.

Rogers. I know it to be mine by the handle being bent.

Priſoner's defence. I was going to Spitalfields-market, I picked up this ſtove wrapped up in a bit of canvas, againſt a fence; I kicked againſt it twice before I picked it up, and I kept it at the door ſix or eight days to ſee if an body would own it, and then I ſold it to Mr. Revell; I live within four doors of the proſecutor.

Jury. (To Revell.) Q. Did you ſee it expoſed for ſale at the priſoner's door?—*A.* No; it was in the back part of his houſe.

The priſoner called his ſerjeant and corporal, who gave him a good character.

NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. RECORDER.

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77. STEPHEN IVES was indicted for feloniouſly ſtealing, on the 27th of November, ſix buſhels of horſe-beans, value 24s. the property of Samuel Davis.

SAMUEL DAVIS *ſworn.*—I am a butcher and farmer, at Twickenham: I loſt a quantity of beans from my barn; I know nothing of it myſelf.

WILLIAM SLIMMER *ſworn.*—I am a bricklayer, I live upon Twickenham-common: On the 27th of November laſt, I got up between four and five o'clock to go to work; going paſt the barn I heard a noiſe in the barn, I ſtopped a few minutes, and ſaw the priſoner with a bag upon his back, I knew him before; I called to him, and ſpoke to him, he was within three or four feet at fartheſt from me, it was light enough for me to ſee him to know the man well; he paſſed by me, and ſaid ſomething, but I did not hear what it was, and carried the ſack into his own houſe, that is all I ſaw of it; there was a light in the houſe.

Croſs-examined by Mr. Knowlys. Q. You do not begin bricklayer's work ſo early as that on the 27th of November?—*A.* Being a very light morning I got up, thinking it was day-light.

Q. Do you mean to ſwear that, and expect any man to believe it?—*A.* I did, and I will ſwear it again; I was deceived in the time.

Q. Perhaps it was moon-light, the firſt quarter of the moon was the 26th; now what ſort of light was it?—*A. (Heſitates).*

Q. What

Q. What time did you go to bed that night?—*A.* A little before nine.

Q. I ſhould rather ſuſpect you had not been in bed at all?—*A.* I am not that ſort of perſon.

Q. How far is this barn from your houſe?—*A.* I believe, about an hundred and twenty yards, or thereabouts.

Q. Then, when you found it was not day-light, how came you to ramble ſo far?—*A.* That is not far, in the country.

Q. What time did you uſually get up?—*A.* As ſoon as it is day-light.

Q. Whoſe barn was it?—*A.* Mr. Davis's.

Q. You knew that at the time?—*A.* Yes.

Q. You had no doubt that he came out of the barn?—*A.* I heard the noiſe in the barn; I have no doubt but he did come out of the barn.

Q. He had no buſineſs in Mr. Davis's barn, or upon thoſe premiſes?—*A.* I never knew that he had any connection with Mr. Davis.

Q. How far do you live from Mr. Davis's?—*A.* Better than three quarters of a mile.

Q. As you ſaw him coming out of this barn with a ſack, how ſoon did you tell Davis of it; did you tell him of it for a week?—*A.* No.

Q. A fortnight?—*A.* No.

Q. Three weeks?—*A.* It was the day before Chriſtmas-day.

Q. And not before?—*A.* No; but I had to another perſon.

Q. Perhaps this man ſtaid at his own houſe till he was taken up?—*A.* I cannot ſay; he did not that I know of; I know he was taken at Twickenham.

Q. Perhaps there might be a quarrel between you and this man?—*A.* I never paſſed three words with him after he had been guilty of the action.

Q. And, perhaps, you had never paid him what you owed him after he was guilty of the action?—*A.* I did not know that it was not paid.

Q. Did not your wife tell you he had been there, and was very troubleſome?—*A.* I was not at home if he did come.

Q. Did not your wife tell you he had been there for his money?—*A.* Yes, ſhe did tell me.

Q. Did you tell Davis of it till after your wife had told you that he had been troubleſome, and inſiſted upon his money?—*A.* No.

Q. Do you know a man of the name of Thomas Dobſon?—*A.* Yes.

Q. Upon your oath, did not you ſay to him that you would ſend this man out of the country?—*A.* I did not, to my knowledge; I do not remember that I ſaid any thing of the kind.

Q. Dobſon is here—now will you ſwear that you did not?—*A.* I cannot ſwear that I did not, nor that I did.

DAVID JONES *ſworn*.—I am ſervant to the proſecutor: The priſoner deſired me to let him have ſome beans for his horſe, and I let him have ſome; they were my maſter's beans.

Q. Did he pay you for them?—*A.* No.

Q. What advantage was it to be to you?—*A.* He ſaid he would give me ſomewhat for them.

Q. From whence were they taken?—*A.* Out of my maſter's barn; he had away between three and four buſhel, between five and ſix in the morning.

Q. What ſort of light was it?—*A.* It was dark.

Q. Could you diſtinguiſh one man from another without the help of a lanthorn, or candle?—*A.* Yes.

Q. What were you to have for thoſe beans?—*A.* He ſaid, if I would let him have ſome more, he would give me half-a-guinea, but I would not; we did not agree for any thing particular, ſometimes he gave me two or three ſhillings.

Q. Did you ſee any perſon, at any time, in the road afterwards?—*A.* No.

Croſs-examined by Mr. Knowlys. Q. You were taken up for ſtealing your maſter's beans?—*A.* Yes.

Q. And lodged in Newgate?—*A.* Yes.

Q. You expected to be tried for it, did not you?—*A.* Yes.

Q. How long ago is it ſince two or three men came into the priſon, and told you, if you accuſed this man you ſhould have a reward for it?—*A.* No, they did not.

Q. When was it that two or three men came to you in priſon?—*A.* Laſt Tueſday, Mr. Davis, Mr. Clarke, and Mr. Curtis came to me.

Q. What did they tell you?—*A.* That if I would turn evidence they would clear me.

Q. You expected to be tried if you had not accuſed Ives?—*A.* Yes.

Q. And, perhaps, you expected to be tranſported too?—*A.* Yes.

Q. Then, from the time that you were committed to jail, on the 28th of December, till laſt Tueſday, you expected to be tried, and to be tranſported?—*A.* Yes.

Q. Then you think you ſhould have been tried, and tranſported, if you had not accuſed Ives?—*A.* Yes.

Q. When did you ſee Slimmer?—*A.* I ſaw him the ſame day, Tueſday.

Q. Did he talk to you about it too?—*A.* No, he did not ſay a word; he came along with my maſter.

Q. Did you know any thing of a quarrel between him and Ives?—*A.* No.

Q. Did you never hear Slimmer threaten Ives?—*A.* Not till we were taken up, and then he ſwore againſt us.

Q. You

Q. You do not recollect when it was you were taken up?—*A.* It was in the Chriſtmas week.

Q. Have you not often ſaid, that Ives had nothing to do with the buſineſs, and that it was a falſe charge?—*A.* Yes.

Q. Did not you ſay, when you heard Slimmer accuſe Ives, that he had taken two d—d falſe oaths?—*A.* Yes, I ſaid ſo; but I did not ſay ſo to his head.

Q. You come here by the name of Jones, do not you?—*A.* Yes; they ſet down my name wrong, my name is Johnſon.

WILLIAM CURTIS *ſworn.*—I am bailiff to Mr. Davis; I know nothing but meaſuring the beans, and finding there were ſome ſhort.

Mr. Knowlys. Q. You have never found any beans upon Ives at all?—*A.* No; I never went to him.

Q. Nor any ſacks?—*A.* Yes; there were three ſacks.

The priſoner left his defence to his Counſel.

THOMAS DOBSON *ſworn.—Examined by Mr. Knowlys.* I live in Iſleworth.

Q. Did you ever hear Slimmer make uſe of any expreſſion reſpecting Ives?—*A.* I heard him ſay, at the public-houſe door, that he would be d—d for everlaſting, if he did not tranſport him, or ſend him out of the country, that was on the Chriſtmas-day.

The priſoner called four other witneſſes, who gave him a good character.

NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. Juſtice HEATH.

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78. GEORGE BROWN, otherwiſe EVANS, was indicted for breaking and entering the dwelling-houſe of Benjamin Bath, about the hour of ſeven in the night of the 13th of December, with intent to ſteal, and ſtealing four linen ſhirts, value 4s. a man's hat, value 5s. two pair of leather gloves, value 2s. part of the work of a metal watch, value 2s. a memorandum-book, value 6d. three military hat feathers, value 12d. three glaſs caſters, value 6d. a regimental hair tail, value 12d. and a pair of black cloth half gaiters, value 6d. the property of George Gill.

GEORGE GILL *ſworn.*—I am ſerjeant of the 1ſt regiment of foot-guards, Benjamin Bath is the landlord of the houſe that I lodge in; the firſt room, on the ground-floor, that I lodge in, was broke open, on Wedneſday the 13th of December; I went out about a quarter after ſix, I locked the door, and put the key in my pocket, it was then quite dark; a little before ſeven, the landlord came to me, and told me my room was broke open; I went back a little before ſeven, and found that it was broke open, the box that the lock ſhoots into was broke off; I miſſed the articles mentioned in the indictment, *(repeating them;)* ſome of them I did not miſs till next morning; the priſoner is a private ſoldier, in the ſame regiment that I belonged to; I went out about five o'clock to get a candle, and found him liſtening at my window; when I came in again, I ſaw him go paſt my door, as ſoon as I had miſſed my property, I went down to his lodgings, No. 7, Little Canterbury-place, Lambeth; I ſaw my round hat lying upon a chair, I aſked him whoſe that was, and he ſaid, it was his brother's, I ſaid, it cannot be, for it has got my name in it, and has been taken from my room this afternoon, and he immediately went upon his knees, and begged his life, and if I would ſpare his life, he would return all my things to me; he gave me three ſhirts, and that was all; the next morning, his wife ſent me the other things tied up in a handkerchief, except ſome that the conſtable found in his pocket; I delivered the things that were ſent to me to the conſtable.

Croſs-examined by Mr. Knapp. Q. You have a room to yourſelf in this houſe of Mr. Bath's?—*A.* Yes.

Q. Does Mr. Bath live in the houſe?—*A.* Yes.

Q. A number of other perſons live in the houſe?—*A.* Yes.

Q. And each has a ſeparate room to himſelf?—*A.* Yes.

Q. The door of the houſe is ſometimes open, and ſometimes ſhut?—*A.* Yes; I have ſeen it both ways, but it is generally ſhut after dark.

Q. Upon your oath, was the outſide door ſhut that night?—*A.* I cannot ſwear that it was either open or ſhut.

Q. Do you not know that there is a forty pound reward if you convict this man?—*A.* I do not know that there is.

Q. Upon your oath, have you never heard that there is a forty pound reward, upon conviction?—*A.* Yes; but I do not know for what.

Q. Do you not know that you will be entitled to a ſhare of it, if this man is convicted?—*A.* I am not doing it for the ſake of the reward.

Q. Upon your oath, do you not know that you will be entitled to a ſhare of it?—*A.* I do not know whether I ſhall or not.

Q. Do you mean to ſwear that?—*A.* I am upon my oath.

Q. Don't you expect to be paid for your loſs of time?—*A.* I expect I ſhall be paid the ſame as other people have been before me.

Q. Don't you know that other people have received ſhares of forty pounds reward for burglaries?—*A.* I never knew any one that had, I have heard it mentioned.

Q. You ſay, the priſoner went down upon his knees, and begged for mercy, what had you ſaid to him

him before that?—*A.* Nothing at all; I only aſked him whoſe hat that was.

Q. Did you never ſay to him, it would be better for him to confeſs?—*A.* I had no occaſion, for he told me where it was before-hand.

JOSEPH RANDALL *ſworn.*—I am a corporal in the ſame regiment; I went with the proſecutor to apprehend the priſoner, on the evening of the robbery; I had been tranſacting a little buſineſs for the ſerjeant that evening; when he came to the priſoner's houſe, he ſaw his hat, he aſked him whoſe that was, he told him it was his brother's; the ſerjeant replied, that it was not, and he immediately fell upon his knees, threw himſelf upon his mercy, and begged for forgiveneſs; he immediately produced three ſhirts, which the ſerjeant likewiſe ſaid were his; he immediately put him into a place of confinement belonging to the firſt regiment of horſe, that is all I know of it.

Croſs-examined by Mr. Knapp. *Q.* Did the proſecutor ſay any thing to the priſoner, before he threw himſelf on his knees?—*A.* No, he did not, I am ſure.

Q. You have heard of a reward of forty pounds upon conviction?—*A.* Yes; I have heard of it ſeveral times from you, ſince I have been in Court.

Q. You have got a conſtable here, have you not?—*A.* Yes, belonging to the Police-office.

Q. Perhaps he has told you of it?—*A.* No.

Q. You have heard of it in the public-houſe over the way, perhaps?—*A.* I have not been there much; I have heard ſeveral people ſpeak of it, but I cannot recollect any particular perſon.

Q. You have heard it from a great many people of whom you are perfectly ignorant?—*A.* Yes.

Q. Do you know what the reward is, in this caſe?—*A.* No; I do not know who it goes to.

Q. You don't know that you are to have a ſhare of it?—*A.* No.

Q. You come here, no doubt, for the public good?—*A.* Yes, as a ſoldier ought to do.

Q. Then, if the Recorder ſhould think you entitled to any ſhare of it, you will refuſe it, as a ſoldier ought to do?—*A.* As a ſoldier ought to do.

DAVID MILTON *ſworn.*—I lodge in the priſoner's houſe; I was preſent when the ſerjeant and corporal came to his houſe, he lives in the front room; the ſerjeant ſaid, I do not want you, you muſt go up again, and I went up directly; I came down again the next morning, and his wife tied the things up in a handkerchief.

Q. Did he give you any thing himſelf?—*A.* No; the things that ſhe gave me, were a pair of half gaiters, a regimental book, three pepper-caſters, and four tops; I took them to ſerjeant Gill, before he was out of bed; I gave them to him, and told them one by one; I will take my oath, that I brought but three pepper-caſters up, and when the ſerjeant brought them before the Juſtice, there were four; there had been one put in after I gave them to him.

Croſs-examined by Mr. Knapp. *Q.* You were in the houſe, and heard the buſtle?—*A.* Yes.

Q. If the man had been crying for mercy, you would have been in a ſituation to hear him?—*A.* Yes.

Q. Did you hear him?—*A.* No, I did not; I ſtood liſtening at the door ever ſo long, but did not hear any ſuch word.

Q. Then you muſt have heard it, if there had been any ſuch thing?—*A.* Yes.

Q. Were you deſired by any body to ſwear there were more than three pepper caſters?—*A.* No; the ſerjeant ſaid, here is all you brought, and I ſaid, ſerjeant, I brought but three caſters, and here are four; and he ſaid, well, there they are, I do not know how they came there.

Q. But you ſwear you brought but three?—*A.* No more.

Court. *Q.* You ſaid before, that when the ſerjeant told you he did not want you, you went up ſtairs immediately?—*A.* Yes.

Q. Then you did not liſten there?—*A.* Yes, I did ſtop ſome time.

Court. (To Gill). *Q.* Did you ſee the four caſters?—*A.* The handkerchief never was opened after he brought it me; I never opened it till it came to the office.

Jury. *Q.* Is it true that he told them out one by one?—*A.* No, he did not; he put down the handkerchief, and ſaid, there are ſome things that Evans's wife has ſent you.

Mr. Knapp. *Q.* At the Magiſtrate's, did he put them down one by one, that is what he has ſworn?—*A.* Yes.

Milton. I put them down one by one in his room, and I aſked him ſeparately, if they were his, and he ſaid, yes; there were three pepper-caſters and four tops.

Court. There are but three caſters in the indictment.

Mr. Knapp. (To Gill). *Q.* Do you mean to ſwear they were never opened in your room?—*A.* Yes.

Milton. He opened the window-ſhutters in the front ſtreet, and I ſaid, I have brought ſome things here.

Q. Did you open the handkerchief, and ſhew him them one by one?—*A.* Yes; in his own room, upon his own trunk; he was then in bed.

Q. Could he ſee you do that?—*A.* I cannot ſay.

Q. Did not he look at you when he was talking to you?—*A.* Yes.

Q. Then he muſt have ſeen you?—*A.* Yes.

Q. You held up the articles and ſhewed them to him?—*A.* Yes.

Q. Holding them up directly one by one?—*A.* Yes; in both hands.

Court.

Court. Q. Were the tops upon the caſters or not, when you counted them?—*A.* I cannot ſay; there were four of them.

WILLIAM MESSENGER *ſworn.*—I am a conſtable belonging to the office in Queen-ſquare, Weſtminſter: On the 14th of December laſt, I was ſent for to the Firſt Regiment Hoſpital, to take the priſoner; I took him from there to the office; I ſearched him, and found a metal watch-caſe and part of the works, and a pair of leather gloves; I afterwards went to his apartments, No. 7, Little Canterbury-place, there I found a pair of regimental gloves, a regimental ſhirt, three hat feathers, and ſome implements of houſe-breaking, a ſaw, a large borer, and a chiſſel that is broke; I tried it with the door, and it matches where he broke the door open; I ſuppoſe there are a dozen marks of a chiſſel upon the door.

Croſs-examined by Mr. Knapp. Q. Let me look at theſe things, did you never ſee ſuch things before?—*A.* Yes; a great number of houſes have been broke open with ſuch things, lately, in Weſtminſter.

Q. Are not ſuch things to be ſeen in every carpenter's ſhop?—*A.* Yes; but he does not appear to have been in that line.

Q. You are as ignorant, I take it, of a forty pounds reward, as the other witneſſes?—*A.* I am wiſe enough to know that.

Q. Have you had any converſation about the reward to-day?—*A.* Not a word.

Q. Not a ſingle word has eſcaped your honeſt lips?—*A.* Not a word; I have been to get two more bills; I had not been much with them.

Q. What are thoſe bills, have they rewards belonging to them?—*A.* No.

Q. Do you think you ſhall be entitled to a ſhare of the reward?—*A.* I do not know that there is a ſhare allowed yet.

Q. Do not you think you will be entitled to a part of it?—*A.* Yes; I ſhould look upon it ſo.

Q. Did you give directions for this indictment?—*A.* Mr. ſerjeant Kirby ordered it.

Q. Were you preſent at the time the indictment was given inſtructions for?—*A.* Yes.

Q. Did not you write the inſtructions, now?—*A.* No, I did not; only our names to the back of the bill.

Q. Did not you tell the clerk of the indictments what you meant to indict for, whether for forgery, highway robbery, ſheep ſtealing, or murder?—*A.* He aſked what time of night it was, what was loſt, and what was the value of the things, that was all.

Q. Upon your oath, you gave no inſtructions?—*A.* No.

Q. You were preſent when the corporal gave the account of the things that were loſt?—*A.* I was backwards and forwards, but I gave no inſtructions.

Gill. The two caſes and part of a watch I can ſwear to; and the two firſt letters of my name are upon two of my ſhirts, and the other I know; upon one of the ſhirts there is a D and two eights, upon another there are two eights and a figure of four, and upon the other ſhirt there are two G's and three ones.

Q. Look at the memorandum book, is there any writing in it that you know it by?—*A.* Yes; there were a great many receipts and papers in it when I loſt it, and when it came back, they were all gone.

Mr. Knapp. Q. What is the value of that book?—*A.* It is of great value to me; but, I ſuppoſe to any body elſe, it is not worth above ſixpence.

Q. D and two eights are not your initials?—*A.* It is my ſhirt, it was given to me by my wife's brother; I have had it almoſt two years.

Q. Could you diſtinguiſh that from another ſhirt with a D and two eights?—*A.* Yes, from my wearing it; and it may have ſome holes in it.

Q. You did not mark them yourſelf?—*A.* Yes; I did mark the other two, myſelf, with India-ink.

Q. How many men have you in your regiment?—*A.* I cannot tell.

Q. Is there no other man that may have the ſame mark of two G's in the regiment?—*A.* I do not know, there may be more.

Q. What is the value of theſe three ſhirts?—*A.* They may be worth, mayhap, three ſhillings.

Q. Now, how long have you had that watch-caſe?—*A.* I ſuppoſe, ten or twelve years.

Q. It is a common metal caſe?—*A.* Yes.

Q. It is no uncommon thing?—*A.* No, only it is broke to pieces.

Court. Q. You know the priſoner is a ſoldier?—*A.* Yes; he has only been in the regiment eight or nine months.

Q. Do you know if he followed any buſineſs?—*A.* I don't know that he did.

Priſoner's defence. I was going paſt the end of ſerjeant Gill's houſe and found the two bundles, I went home, and had not been home an hour when ſerjeant Gill, and the corporal came in; they aſked me how long I had been at home; I told the ſerjeant near an hour; he ſaid it was a lie, for he had ſeen me within that time; he aſked me whoſe hat that was; and I told him my brother's; he then collared me, and ſaid, you villain, you have robbed me; I told him I would give him the ſhirts; him and the corporal took me to his houſe, and called a woman, who ſaid ſhe ſpoke to me, and ſaw me in the room; I ſaw no more of ſerjeant Gill till the next day, when he came with the officer to take me to the Police-office.

The priſoner called one witneſs, who had known him ten years, and gave him a good character.

GUILTY **Death.** (Aged 22.)

Tried by the ſecond London Jury, before
Mr. RECORDER.

79. JOHN NORTON was indicted, for that he, at the time of committing the ſeveral felonies hereafter mentioned, was a perſon employed in certain buſineſs relating to the Poſt-office, that is to ſay, in ſorting and delivering letters and packets ſent by the poſt to the General Poſt-office in Lombard-ſtreet; and that, on the 11th of November, in the ſaid office, a certain letter, lately before ſent by one John Robinſon by the poſt from Brandon, in Suffolk, directed to Philip Elliot, Samuel Robinſon, and William Kitchener, in Princes-ſtreet, oppoſite the Manſion-houſe, London, tea-dealers, and partners, containing two Bank-notes of 10l. each, and ſix Bank-notes of 5l. each, came to his hands and poſſeſſion, he being a perſon employed as aforeſaid; and the indictment further ſtated, that, on the ſaid 11th of November, he being ſuch perſon ſo employed, and having the ſaid letter containing the ſaid notes in his poſſeſſion, feloniouſly did ſecrete the ſaid letter containing the ſaid notes, they being the property of the ſaid John Robinſon, and the ſeveral ſums of money ſecured by the ſame, being then due and unſatisfied to him, the ſaid John, againſt the form of the ſtatute.

Second Count. Alledging that the ſaid Bank-notes were in a packet inſtead of a letter.

Third and Fourth Counts. The ſame as the firſt and ſecond, only charging the Bank-notes, at the time of the felony committed, to be the property of Philip Elliot, Samuel Robinſon, and William Kitchener.

And four other Counts, charging him with ſtealing the ſaid Bank-notes inſtead of ſecreting the letters,

(The indictment was opened by Mr. Abbott, and the caſe by Mr. Fielding.)

JOHN ROBINSON *ſworn.—Examined by Mr. Knapp.* I am a farmer at Eriſwell, near Mildenhall, in the county of Suffolk.

Q. Did you, on Friday the 10th of November, ſend any letter to London?—*A.* I did.

Q. Who was that directed to?—*A.* Meſſrs. Elliot, Robinſon, and Company, in Princes-ſtreet, oppoſite the Manſion-houſe; I encloſed, in that letter, ſundry bills, there were ſeveral of the Bank of England, to the amount, I believe, of fifty pounds.

Q. Have you any memorandum of the number of the Bank-notes?—*A.* I have. *(Produces it.)*

Court. Q. Was that memorandum taken before you put them into the letter?—*A.* It was, *(reads)*; No. 4938, dated the 16th of December, 1796, for 10l. No. 6354, dated the 11th of September, 1797, for 10l. No. 1285, dated the 21ſt of June, 1797, for 5l. No. 2944, dated the 25th of February, 1797, for 5l. No. 1699, dated the 19th of April, 1797, for 5l. No. 7748, dated the 23d of July, 1795, for 5l. No. 7556, dated the 24th of May, 1797, for 5l. No. 3371, dated the 17th of March, 1797, for 5l. I believe theſe are all the Bank-notes; the whole amount contained in the letter was one hundred and ninety-ſix pounds eight ſhillings.

Q. Did you make any mark at all upon theſe Bank-notes?—*A.* I have put my initials in a kind of circle upon every one of them, I believe, but the laſt.

Q. After you had put them into the letter, did you ſeal your letter?—*A.* I did.

Q. After it was ſealed, what did you do with the letter?—*A.* I carried it to Milden-hall, where I was going to market; I delivered it then to Mr. John Fuller, who was going to Brandon, I requeſted he would carry it to Brandon, and put it into the General Poſt-office there.

Q. You wrote another letter at the ſame time?—*A.* Yes; I delivered it at the ſame time to Mr. Fuller, and requeſted him to put it in the ſame office at the ſame time.

JOHN FULLER *ſworn.—Examined by Mr. Abbott.* I live at Brandon, in Suffolk.

Q. Do you remember receiving any letters from Mr. Robinſon, on the 10th of November?—*A.* Yes; two letters; one was directed to Meſſrs. Elliot, Robinſon, and Company, in London; the other was to Durham.

Q. What did you do with thoſe two letters?—*A.* I carried them to the poſt-office, at Brandon.

Q. Did you put them in the poſt?—*A.* No; I delivered them to the poſt-maſter, within doors, Mr. Webb.

WILLIAM WEBB *ſworn.—Examined by Mr. Fielding.* Q. Are you the poſt-maſter of Brandon?—*A.* Yes.

Q. Did you diſpatch from your office regularly by the mail, all the letters delivered to you on the 10th of November, to go to London?—*A.* Yes.

Q. Do you remember Fuller calling upon you on the 10th?—*A.* Yes; I do recollect the two letters.

Q. And theſe two letters were regularly made up by you, and diſpatched by the mail?—*A.* They were.

Court. Q. Are you ſure that the two letters that you had from Fuller went by the mail?—*A.* Yes; I am certain of it.

Court. (To Fuller). Q. Did you carry any more letters to the poſt-office that day than thoſe two?—*A.* No, I did not.

WILLIAM GRIFFITHS *ſworn.—Examined by Mr. Fielding.* I am in the General Poſt-office: On the 11th of November, in the morning, I recollect the Brandon bag coming in.

Q. Was it carried to its uſual place, the Inland-office?

office?—*A.* Yes; *(the witneſs's diary ſhewn him);* it was to come from Brandon on the 10th, I received it at the office on the 11th of November.

Court. Q. What is your buſineſs in the Poſt-office?—*A.* A ſorter.

Q. How came this bag into your poſſeſſion?—*A.* We are all called out in the morning, and I took that bag.

Q. What enables you to recollect that you took that bag?—*A.* I went to the window and took the bag, and the Brandon bag was contained in it.

Q. Who has written this paper?—*A.* The Poſtmaſter of Brandon ſends that up with the letters, and upon my receiving it, I ſigned my name to the paper; I then delivered it to a gentleman that has the care of theſe bills.

WILLIAM KITCHENER *ſworn.—Examined by Mr. Knapp.* I belong to the houſe of Meſſrs. Elliot, Robinſon and Co.; Mr. Robinſon, near Milden-hall, is a correſpondent of our's.

Q. On the 11th of November, did you receive any letter from him by the poſt?—*A.* We did not.

Q. Where is your houſe ſituated?—*A.* In Prince's-ſtreet, nearly oppoſite the Manſion-houſe.

Q. What are the names of the partners?—*A.* Philip Elliot, Samuel Robinſon, and myſelf.

HUGH THOMPSON *ſworn.—Examined by Mr. Abbott.* I am letter-carrier in the General Poſt-office.

Q. Explain to us what is done with the letters, upon their firſt arrival at the office?—*A.* The bags are opened by a certain ſet of clerks, and the letters examined.

Q. In the courſe of that examination, do you find whether the amount of the letters ſent in the bags agree with the amount of the poſt-maſter in the country?—*A.* Always.

Court. Q. What do you mean by the amount of letters?—*A.* The poſtage.

Q. What, is the poſtage charged in the country?—*A.* Yes; and the bill ſent up with it.

Mr. Abbott. Q. What is next done?—*A.* They are ſtamped with the day of the month ſtamp, and then they are divided into fourteen grand diviſions, the amount is told as the mails arrive; twelve of theſe diviſions are the carriers office; the other two are for letters that are to go further.

Q. In each of thoſe diviſions, there are a certain number of deliverers?—*A.* There are.

Q. Their duty is to ſubſort, and divide them according to their own diſtricts?—*A.* Yes.

Court. Q. Are deliverers and carriers the ſame thing?—*A.* They are.

Mr. Abbott. Q. You know the perſon of this unhappy man, of courſe?—*A.* Yes.

Q. Was he employed in this buſineſs of ſorting and carrying letters on the 11th of November laſt?—*A.* He was.

Q. In what diviſion was he employed?—*A.* At the eighth diviſion.

Q. Does Princeſs-ſtreet, Lothbury, belong to the diviſion?—*A.* It does.

Q. That grand diviſion is poſted into different diſtricts?—*A.* It is.

Q. Do you know what was the priſoner's diſtrict?—*A.* Alderſgate-ſtreet.

Q. Was Lothbury in his diſtrict?—*A.* No, it was not; it was in his diviſion, but not in his diſtrict.

Q. Do you recollect whether he was ſuſpended any time laſt ſummer?—*A.* Yes, he was.

Q. Do you recollect about what time?—*A.* I cannot ſay.

Q. Do you recollect what time he was reſtored?—*A.* Not exactly that.

Q. Look at this memorandum?—*A.* He was ſuſpended the 29th of Auguſt, and reſtored on the 17th of September; he had made his payment a day or two before.

WILLIAM CHALFONT *ſworn.—Examined by Mr. Fielding.* I am a letter-carrier; on the 13th of November, I applied to the priſoner, in the letter-carrier's office, to lend me ten pounds, he lent me a ten pound note, which I wrote my own name upon, and his; I aſked him if he had any Bank that he could lend me, he ſaid, he had, he could let me have ſome, if I would pay the Treaſury for him.

Q. What did he mean by paying the Treaſury?—*A.* What he owed for his letters to the Treaſury of the Poſt-office.

Q. Look at this ten pound note?—*A.* This is the note he lent me, here is my mark upon it; I wanted to pay it to a man of the name of Peck, that I owed ſome money to, and he would not receive it without I ſigned my name to it.

Q. What was the whole of the writing that you put upon that?—*A.* The name of Norton, at length, and my own initials, W. C. I wrote both at the time that Peck deſired me to put my name upon it.

Priſoner. Q. What ſtate of mind did you think I was in at that time?—*A.* I did not ſee any thing particular in him.

Court. Q. Have you known this man ever to have been deranged?—*A.* I never heard of any ſuch thing.

Q. You never heard that he was deranged?—*A.* No.

Q. And you had no reaſon to think he was then?—*A.* No.

Q. Did he appear to be in liquor?—*A.* I did not take notice that he was at that time, he was very

very ſubject to tipple in a morning, it was between nine and ten o'clock in the morning.

ANTHONY PARKIN *ſworn.—Examined by Mr. Knapp.* Q. Was the priſoner at the bar brought to your chambers on the 21ſt of November laſt?—*A.* He was brought there upon a charge againſt him from the General Poſt-office, reſpecting a note which had been traced to him; I deſired that he would ſtate the circumſtances.

Court. Q. Was there any ſort of promiſe of advantage, or threat of diſadvantage, to induce him to give an account of the buſineſs?—*A.* No, it was a voluntary account; I deſired him to ſtate the circumſtances; he ſaid, that laſt Saturday ſe'ennight, which carried it to the 11th of November, when he had done ringing his bell, he was coming from the cheeſemonger's ſhop, at the corner of Bull and Mouth-ſtreet, where he had left his bell, which he uſually did about five minutes before ſix in the evening; he trod upon ſomething ſoft, he gave it a kick before him, and then picked it up, and put into his pocket, it was a pocket-book, but he did not look at it then, but went to his uſual duty at the Poſt-office; that he went home to his wife's apartments, in Gower-ſtreet, where, on Sunday morning, he opened the pocket-book, and found in it two ten pound Bank-notes and ſix five pound Bank-notes, but there was nothing elſe whatever in the pocket-book; that he went on Sunday morning to a public-houſe, the ſign of the Goat, in Cheyne-ſtreet, near Gower-ſtreet, where he ſaw the landlord and landlady of the houſe; he aſked for the newſpaper; to ſee if they were advertiſed, but he did not find any advertiſement; he did not tell the landlord or landlady that he had found any thing; on the next morning, Monday, he went to his duty at the Poſt-office, he there paid one of the ten pound Bank-notes to Chalfont, a letter-carrier, who was to make his payment into the Treaſury; he did not tell any body of having found the pocket-book; he called at ſeveral public-houſes, between Monday and Thurſday, to look if the pocket-book was advertiſed; on the Thurſday, he paid three of the five pound Bank-notes to Mr. Aldridge, a grocer, in King-ſtreet, who had accepted a bill of fifteen pounds for his accommodation, which was ſoon becoming due; on Friday, he got caſh for the other ten pound Bank-note, of one Ladbrooke, who keeps a public-houſe in Smithfield; I aſked him what was become of the remaining three five pound Bank-notes, he ſaid they remained in the pocket-book, which was at his lodgings in Gower-ſtreet.

Q. Was Mr. Ferguſon preſent at that time?—*A.* He was preſent at the time; to whom he gave the key of the box, which he ſaid, contained the pocket-book and notes; I beg leave to ſay, that the priſoner was perfectly unembarraſſed in giving this account, and equally ſo when I told him he muſt go to Bow-ſtreet.

Mr. Abbott. (To Ferguſon). Q. Were you preſent at Mr. Parkin's chambers, when the priſoner was examined?—*A.* Yes.

Q. And you received from the priſoner a key?—*A.* I did; and in conſequence of that, went to the priſoner's lodgings.

Q. He had told you where his lodgings were?—*A.* Yes; in Gower-ſtreet, Bedford-ſquare; I went there and opened the box he directed me to open, with a key that he gave me for that purpoſe, and there I found this pocket-book, containing theſe three notes, *(producing them)*; they have my mark upon them, I marked them at the time I took them out of the box.

JOHN ALDRIDE *ſworn.—Examined by Mr. Fielding.* I live in Cheyne-ſtreet, Bedford-ſquare; I have known the priſoner ſome time, he has been a cuſtomer of mine for ſeveral years; he applied to me to lend him four or five pounds the latter end of Auguſt or beginning of September, or if I could not, if I would accept a bill for him, which I did.

Q. Be ſo good as look at that?—*A.* That is the bill I accepted.

Q. Did he provide you with any money for the purpoſe of this bill?—*A.* The bill was due on Saturday the 18th, I think, and on the Tueſday preceding, I was ſerving ſome cuſtomers, he told me the bill was almoſt due, and ſaid, becauſe he would not put me to any inconvenience to find the money myſelf, he had provided the money as he had promiſed me, and laid me down three five pound Bank-notes; he told me there was the fifteen pounds, and I believe, went out of the ſhop immediately.

Q. What became of thoſe three notes?—*A.* I looked at them to ſee that they were properly ſigned, I folded them up, and put them into a pocket-book, and in the courſe of the week, I made ſeveral payments, but whether I had thoſe notes when the banker's clerk came to me, I do not know, but I rather think I had; when the note came to me, it was brought by a banker's clerk, I think from the houſe of Glynn.

Q. Did you pay him in Bank-notes?—*A.* I paid him all in Bank-notes, but whether they were the ſame three or not, I cannot ſay.

Q. You yourſelf did not take a memorandum of the number of the notes?—*A.* I did not.

Q. Had you any other five pound notes by you at the time?—*A.* I might, but I cannot ſay.

JOHN-DENHAM PRIEST *ſworn.—Examined by Mr. Knapp.* I am a clerk in Sanderſon's houſe.

Q. Did you preſent any bill—Look at that bill, and tell us whether you preſented it for payment?—*A.* I did,

—*A.* I did; I preſented it to Mr. Aldridge, I received three five pound notes in payment.

Q. Should you know the notes again?—*A.* Yes.

Q. Who did you receive them for?—*A.* For Glynn's houſe, and I paid them into Glynn's houſe; the bill is dated, 14th September, fifteen pounds, at two months, accepted by Aldridge, drawn by J. Norton, payable to his own order; it is indorſed by Thomas Norton and Thomas Needle.

Q. There is your own name wrote upon that likewiſe, is there not?—*A.* Yes.

JOHN HOWELL *ſworn.—Examined by Mr. Abbott.* I am clerk in Sir Richard Glynn's houſe.

Q. Was that bill in the poſſeſſion of that houſe?—*A.* Yes, it was.

Q. Was the money for it paid into that houſe?—*A.* It was.

Q. How was the payment made?—*A.* In three five pound notes.

Q. What were the numbers and dates of thoſe notes?—*A.* No. 2371, dated the 17th of March, 1797, for 5l. that is a miſtake in our books, it ſhould be 3371; 2944, dated the 25th of February, 1797, for 5l. and 1285, dated the 21ſt of June, 1797, for 5l.

Q. Do you know what is become of thoſe Bank-notes?—*A.* I cannot ſay, they may be in circulation now.

—— LADBROOKE *ſworn.*—I keep a houſe in Smithfield: The priſoner applied to me on the 17th of November laſt, with a 10l. note, and aſked me if I could give him caſh for it; I ſaid, I would if I could; I went immediately up ſtairs, and found that I could not; then I ſent Mrs. Ellefmere out for change, as I could not give him change myſelf.

MARY ELLESMERE *ſworn.*—I am ſervant to Mr. Ladbrooke: On the 17th of November, I received a 10l. note from Mr, Ladbrooke, to get change for him; I went to Mr. Blackitt's, and left it with him; he gave me the change; I had the change in notes.

JOHN BLACKITT *ſworn.—Examined by Mr. Fielding.* I live in Weſt-Smithfield; Mr. Ladbrooke's ſervant, the laſt witneſs, applied to me to change a ten pound note; I marked the note with the day of the month upon it.

Q. Look at that note?—*A.* I took this note of the laſt witneſs, and gave her ten ones for it.

Q. What is the number of that note?—*A.* Six thouſand three hundred and fifty-four, the 11th of September, 1797, ten pounds.

WILLIAM MULLENS *ſworn.—Examined by Mr. Fielding.* *Q.* Be ſo good as look at theſe notes?—*A.* They are all regular notes; No. 9438, 16th of December, 1796, for ten pounds, is ſigned by Mullens, that is myſelf, made payable to Mr. Ab. Newland, or bearer, on demand, for the Governor and Company of the Bank of England, and ſigned by me; No. 1699, 19th day of April, 1797, ſubſcribed by I. Padman, his chriſtian is Iſaac.

Court. *Q.* Do you know his hand-writing?—*A.* Perfectly well; it is for the ſum of five pounds, for the Governor and Company of the Bank of England, payable to Ab. Newland, or bearer, on demand, No. 7748, 23d July, 1795, ſubſcribed by M. Vernon, Matthew Vernon.

Court. *Q.* Do you know Mr. Vernon's hand-writing?—*A.* Perfectly well; payable to Ab. Newland, or bearer, for the Governor and Company of the Bank of England, for five pounds; No. 7556, 24th May, 1797, ſubſcribed M. Vernon, for the Governor and Company of the Bank of England, made payable to Mr. Ab. Newland, or bearer on demand, for five pounds, No. 6354, 11th September, 1797, ſubſcribed J. Walters, ſignifies John Walters; I know his hand perfectly well, for the Governor and Company of the Bank of England, payable to Ab. Newland, or bearer, for ten pounds.

Q. Be ſo good as tell us, whether the Bank iſſues more than one note of the ſame number, ſame date, and ſame ſum?—*A.* They never ſuffer them to be in circulation at one time.

Q. To whom are all the Bank-notes that have been iſſued, ſince the beginning of 1797, made payable?—*A.* To Abraham Newland; and have been ever ſince the death of Daniel Race, which is almoſt twenty years; the Bank-notes have ever ſince been made payable to Abraham Newland, or bearer.

Q. Can you ſay, by reference to books, if theſe notes were all unpaid on the 11th of November?—*A.* They were; whatever have come in have been ſince that time, ſome of them are outſtanding now.

Court. *Q.* Do you not diſtinguiſh the notes by the letters as well as dates?—*A.* We do the ſmall notes, but not ſo high as a five pound.

Mr. Knapp. (To Mr. Robinſon.) *Q.* Tell me, whether you know them to be the notes that you have deſcribed?—*A.* No. 4938, that is one that was incloſed in the letter, I know it by the initials of my own name, incloſed in a circle; No. 6354, I know that by the ſame mark, it was ſent in the ſame letter, at the ſame time; No. 7556, that is likewiſe one that was incloſed in the ſame letter, and has the ſame mark; No. 7748, that was alſo included in the ſame letter, it has the ſame mark; No. 1699, that has got the ſame mark, and was in the ſame letter.

Q. Are you ſure theſe were all put into the letter, and given by you to Fuller?—*A.* Yes; *(the notes and the bills read by Mr. Shelton, and compared with the indictment.)*

Priſoner's

Priſoner's defence. I never ſaw the letter belonging to that gentleman; I picked up the pocket-book in the way I have before ſtated; I muſt have been a madman to have circulated the notes in the Poſt-office, if I had ſtole them; I had no idea of their being ſtolen; I leave the reſt to the mercy of the Court.

Court. (To Chalfont) Q. Did you tell the priſoner for what purpoſe you wanted it?—*A.* I did not.

Q. How much did he owe to the Treaſury of the Poſt-office?—*A.* His payment on that day, was 81. 7s. 7d. which I paid on his account.

Court. (To Kitchener.) Q. Is your buſineſs that of a tea-dealer?—*A.* Yes.

GUILTY **Death.** (Aged 44.)

Tried by the firſt London Jury, before Mr. Juſtice LAWRENCE.

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80. ANDREW ARNOLD was indicted for feloniouſly ſtealing, on the 28th of December one hundred weight of ſaltpetre, value 30s. and a hempen bag, value 12d. the property of Thomas Jones.

THOMAS JONES *ſworn.*—I am a chymiſt, No. 7, Star-alley, Ratcliff-highway: On the 3d of January, I ſaw an advertiſement from the Public-office, in Lambeth-ſtreet, of a quantity of ſaltpetre to be ſeen, in a marked bag; I went to the office, and found a bag, which I have no doubt is my property; I was in poſſeſſion of twenty-nine of the ſame kind of bags, and this was one of the number; I had bought them with almonds in them, the numbers ran in order, from one to twenty-nine; I did not miſs any of the bags before I ſaw the advertiſement, nor I could not miſs the ſaltpetre, we keep that moſtly in packages, one hundred weight caſks, and ſome looſe.

Q. There was nothing in that ſaltpetre itſelf, by which you can undertake to ſwear to it?—*A.* There is a great difference in the fineneſs; I believe there is no one in town, but Mr. Strong, in Clement's-lane, and myſelf, who make it ſo fine; I cannot pretend to ſwear to it, but I really believe it is mine, it is remarkably well refined, the priſoner was my ſervant, and had been ſo about a year and a half.

Q. Was he at all employed about the places where the ſaltpetre was?—*A.* He drove my cart, and had acceſs to every part of the houſe; he was in my employment at the time I ſaw the advertiſement, he had been with me from July 1796.

Q. Had you ſent him out with any refined ſaltpetre a ſhort time before the 3d of January?—*A.* Every week, and almoſt every day; we have it from the Company's warehouſes, in order to refine it, but this was refined.

Q. Did you uſe to ſend your ſaltpetre out in bags of this deſcription?—*A.* No; in caſks of a hundred weight each to druggiſts, oilmen, grocers, and other tradeſmen, and ſome in papers of a quarter of a hundred ſometimes.

Q. But never ſent it out in theſe ſort of bags, which had brought almonds to your houſe?—*A.* Never; they were uſed for getting beans and barley for my horſes, or other common purpoſes, I have had them four years.

Croſs-examined by Mr. Gurney. Q. Your only reaſon for knowing the bag, is that mark of Smith and company, and the figure?—*A.* Yes; Smith and company is in red, and the figure in black.

Q. That name and figure was upon them, when you bought them?—*A.* Yes.

Q. And conſequently might be upon hundreds beſides?—*A.* It might.

DAVID HOPWOOD *ſworn.*—I live wtth Mr. Richard Nelme, in Whitechapel-road, an oil and colourman; on the 28th of December, the priſoner at the bar came into the ſhop, and offered ſome ſaltpetre to ſell contained in this bag; I knew him by ſight, and had dealt with him before for articles of the ſame kind, which he brought in a paper bag.

Q. Refined ſaltpetre?—*A.* Yes.

Q. Well refined?—*A.* I am not a judge of the niceties of ſaltpetre; I have been in the habit of ſelling ſaltpetre in London theſe ſeven years, it was refined ſaltpetre; the laſt time he came, when he brought the bag, I went up and told my maſter, he deſired me to aſk him his name, what he was, who he was, and where he lived; I came down ſtairs, and aſked him theſe queſtions; he ſaid, his name was Jones, he lived in Brick-lane, and was a ſaltpetre refiner; I got a pen and ink, and deſired him to write it down, and he did; I went up ſtairs, and gave my maſter the paper, and told him what he ſaid, my maſter told me to go down ſtairs, and tell him he would not buy it; I came down, and told him ſo, he ſwore he would not take it away.

Q. Did you give him any hint why you refuſed to buy it?—*A.* None at all; he ſaid, he would call again for the ſaltpetre in a day or two, I think, but he did not, the ſaltpetre remained in the ſhop where he had left it; I went the next morning to enquire, in Brick-lane, but could hear of no ſuch perſon there, a ſaltpetre refiner.

Q. How far is Brick-lane from Whitechapel?—*A.* Brick-lane comes into Whitechapel.

Q. Then, if there had been any ſuch perſon as a refiner in Brick-lane, you muſt have known it?—*A.* No; we do not deal largely in it, we do not buy it of the refiners; finding no ſuch perſon, we applied to the Police-office, Lambeth-ſtreet, Whitechapel,

Whitechapel, and the officers took the bag away from the ſhop to the office; I marked the bag with a bruſh, and ſealed it, before it was delivered to the officer with the ſaltpetre in it.

Q. How much may you have bought of the priſoner at different times?—*A.* From ninety to one hundred pounds weight.

Q. Without any enquiry till this laſt time?—*A.* Yes.

Q. You never had any ſuſpicion of him?—*A.* Yes, we had, but we had nothing to identify it till this bag came, with the mark of E. Smith and Company, No. 13. We could not find any body in London of that name.

Q. Did you examine Directories?—*A.* No; but we enquired of tradeſmen, both chymiſts, oilmen and druggiſts; it was advertiſed from the office, and on Thurſday, Mr. Jones claimed the bag.

Croſs-examined by Mr. Gurney. Q. There was nothing particular in this ſaltpetre, except that it was refined ſaltpetre?—*A.* Yes; it is rather larger than common, and of a brighter colour than common, it is finer.

Q. It is not ſuch ſaltpetre as you can ſwear to on account of its fineneſs?—*A.* I think I could ſwear to that in the bag.

Q. During the time it was in your ſhop, the ſhop was open to all ſorts of cuſtomers, I ſuppoſe?—*A.* Yes.

Q. And you were ſometimes in and ſometimes out?—*A.* Yes.

EDWARD SMITH *ſworn. (Produces the property).* I am an officer belonging to Witechapel office: On Wedneſday, the 3d of this month, the proſecutor applied for a warrant to ſearch the priſoner's lodgings; he procured a warrant, and in company with Nolan, I went to execute that warrant; I went to the proſecutor's houſe, in a court in Ratcliff-highway, he gave me charge of the priſoner at the bar, I did not ſearch his apartment; I took the priſoner into cuſtody, and brought him to the office; I aſked him what he had been about, that ſhould induce his maſter to give charge of him to me, the poor fellow fell a crying, and ſaid, it was concerning a little ſaltpetre; I had not before acquainted him with what the charge was.

Q. Did you make him any promiſes of favour?—*A.* I did not, I knew it would be contrary to my duty ſo to do; I aſked how he got it, and if any perſon was concerned with him; he ſaid, no; ſeeing ſo many perſons concerned with the premiſes, I aſked him how he could get it without being perceived; he ſaid, he took it while they were at dinner; I aſked him what he had done with it, and he ſaid, he had ſold it at a ſhop in Whitechapel; I aſked him, if he had ſold any before; he ſaid, he had ſold a little twice, but not ſo much as this; I then brought him to the office, and he was committed.

Q. Was this before or after Mr. Jones had been to the office?—*A.* Yes.

Croſs-examined by Mr. Gurney. Q. He had heard from Mr. Jones what he was taken up for?—*A.* He might.

Q. Do you mean to ſay you gave him no encouragement to ſay what he did?—*A.* No.

The priſoner did not ſay any thing in his defence.

Mr. Gurney. (To Jones). What ſort of a character did he bear?—*A.* A very good one, or I would not have kept him; he has a wife and two ſmall children.

Q. Look at the bag?—*A.* I can ſwear to the figure 13, the ſaltpetre is as much like mine as it can be.

GUILTY (Aged 24).

Confined twelve months in the Houſe of Correction, and fined 1s.

Tried by the firſt Middleſex Jury, before Mr. Baron THOMPSON.

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81. JONAS HART was indicted for feloniouſly ſtealing, on the 22d of December, a looking-glaſs in a gilt frame, value 9s. the property of Richard Derry.

RICHARD DERRY *ſworn.*—I am a broker, in Mile-End Old Town, in the pariſh of Stepney: On Friday, the 22d of December, about half paſt one o'clock, I miſſed a glaſs from the ſhop, it laid upon ſome beds in the ſhop; the priſoner was caught juſt by Whitechapel church.

THOMAS HARTSIDE *ſworn.*—I am a ſmith: I never ſaw the priſoner till I took him, it was on a Friday; I took him in Church-lane, Whitechapel, with the glaſs upon him, about a mile from Mr. Derry's houſe; I had heard that he had taken a glaſs from Mr. Derry's, and I purſued him; when I took hold of him, I ſaid, my friend, how did you come by this glaſs; he immediately replied, he had bought it, and paid for it; I held him till the owner of the glaſs came up; as ſoon as Mr. Derry ſaw the glaſs, he ſaid it was his; I have had it ever ſince.

Croſs-examined by Mr. Knapp. Q. Do you know how long a time took place between the time you heard of the loſs and the time you took the priſoner?—*A.* Half an hour.

Q. Then of courſe, when you ſet out upon your purſuit, you ſaw nothing of the man with the looking-glaſs for ſome time?—*A.* No; I kept ſtrait on; it might be about ten minutes.

Q. Therefore for any thing you know, any body elſe might have taken the glaſs, and given it to him to carry?—*A.* Yes; but he told me he had bought it and paid for it.

Jury. Q. Was the man walking or running?—*A.* Walking. *(Produces the glaſs).*

Derry.

Derry. This is the glaſs I miſſed; there is a piece of the bead off the frame, that I can ſwear to it by.

Priſoner's defence. I was going upon my father's buſineſs, and a man aſked me to carry that glaſs for him, and he was to give me ſixpence.

GUILTY (Aged 17.)

Confined ſix months in the Houſe of Correction, publicly whipped and diſcharged.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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82. WILLIAM CAIN was indicted for feloniouſly ſtealing, on the 11th of November, twenty-three inch and half iron pullies, value 4s. twenty-four inch and quarter iron hinges, value 14d forty-eight inch and half iron hinges, value 2s. 10d. one hundred and forty-four inch and half iron ſcrews, value 2s. 11d. five twelve feet whole deal battens, value 6s. 8d. two twelve feet inch deals, value 3s. and one horſe-cloth, value 12d. the property of Edward Colebatch.

EDWARD COLEBATCH *ſworn.*—I live in the Minories; I am a carpenter: On the 10th of November, in conſequence of a ſuſpicion, I ordered my ſervant, John Sandler, to mark ſome ironmongery goods in my accompting-houſe, I did not ſee him mark them, I told him what goods to mark; on the 11th, in the morning, I miſſed the things ſtated in the indictment, except the deals; the priſoner was my carter; I found the ironmongery goods on the premiſes of Hugh Miles, he is in the Borough jail; the horſe-cloth was found in the priſoner's lodgings.

JOHN SANDLER *ſworn.*—I am foreman to Mr. Colebatch: In conſequence of the information that I received, I marked a great deal of ironmongery goods, all tied up in papers; I marked the papers, and made a file mark upon ſome; I took the number of all the goods after I had marked them; the next morning, about ſeven o'clock, I went to the accompting-houſe, where the corn is kept; the carter uſed to go in and out to get his corn; before I went into the accompting houſe, I ſaw the priſoner in the yard, and told him to get his breakfaſt, he was going into the country with a load; I then went and examined the goods; the boards had been taken before; I told Mr. Colebatch what I had miſſed, and he ſent ſome officers after the priſoner with the cart, to ſee if he ſtopped any where; about twelve or one o'clock, I ſaw the things again at Union-hall; the priſoner was in cuſtody.

Croſs-examined by Mr. Alley. Q. Your maſter employs a great number of men?—*A.* Yes.

Q. This place was open into the ſtable-yard?—*A.* Yes.

Q. And the priſoner was two hours about the yard before he went?—*A.* Yes; he was going to Roehampton.

Q. Was the Borough of Southwark the road he was take?—*A.* It was.

GEORGE SANDLER *ſworn.*—I am the ſon of the laſt witneſs: I was preſent on the 10th of November, when my father marked ſome ironmongery goods in the accompting-houſe, they were put under a kind of platform; when I came down in the morning, I obſerved that the boards had been moved, I told my father, and we miſſed the articles in the indictment; I immediately went to Newington-Butts church-yard, and waited till the priſoner came with his cart, which was about three quarters of an hour; I ſaw a man go into Miles's houſe, and left the cart ſtanding at the door; I waited there till my maſter came to me; the officer came and took him at the door of Miles.

Q. How was the man dreſt that went into the houſe?—*A.* Exactly like the priſoner, in a ſmock frock; I went towards the houſe when the officer was in the act of handcuffing them together.

Q. Did you ſee any goods that had been marked?—*A.* No; I ſaw them at Union hall, in poſſeſſion of one of the officers.

Croſs-examined by Mr. Alley. Q. At Miles's houſe, where the priſoner was apprehended, there was nothing belonging to your maſter?—*A.* Not that I could poſitively ſwear to.

Q. The board was removed?—*A.* Yes.

Q. Therefore every one muſt have diſcovered that there had been ſomebody in the accompting-houſe?—*A.* Yes.

Q. You are one of the clerks?—*A.* I am apprentice to Mr. Colebatch.

Q. Were you preſent when he was ſearched?—*A.* I cannot poſitively ſay that I was.

Q. Has Mr. Colebatch any partner?—*A.* No.

RICHARD TIPPER *ſworn.*—I am a City conſtable: On the 11th of November, Mr. Colebatch came to me in the morning, and in conſequence of his requeſt, I went into the Borough, about nine o'clock or a little after, I had a brother officer with me, Mr. Davis; we waited in the Borough for the cart coming, the priſoner was driving it; I let him paſs me about twenty yards; I followed the cart, and ſent Davis to get a warrant; when I came to the Fiſhmongers' Alms-houſes, at Newington, I miſſed the cart, and ſtopped oppoſite Miles's; the carman was behind the cart about ſix or ſeven yards, and the horſes knew the door very well; they ſtopped very naturally at the door.

Q. Did you hear any call out to the horſes to ſtop?—*A.* No, none at all; the priſoner came up to the ſide of his cart, and ſtopped againſt a ſtall where there were ſome old iron things laid upon a board; Miles's houſe is in a ſort of a garden, and there

there is a wooden bridge to go to the houſe; on each ſide of the bridge were benches where he expoſed his goods; the priſoner looked over a few articles upon the bench, and after he had done that, he ſtood a little while, and turned himſelf towards London again, to ſee whether he could ſee any body coming, I ſuppoſe; Miles them came up to him, after a little converſation Miles went into his ſhop, the priſoner followed him, they ſtopped together about five minutes, and the priſoner came out; I obſerved him go to the near ſide of the ſhafts, and take off a coat, he took it into the ſhop, he returned, after ſome time, with the coat upon his arm as he took it in, he ſtaid at one of the ſtalls about a minute, Miles came out alſo, and ſtood by him, and I apprehended them both; then Davis and Collingbourne, another officer, came, and on the right hand, in a little room, upon a round table, I found the ironmongery named in the indictment; I perceived upon the fire ſome paper burning, but I could not get time enough to take care of it; by that time Mr. Colebatch came and claimed them; there were ſome deals ſtanding in the yard.

Q. You ſaw no deals moved?—*A.* No, there were none; we ſearched the priſoner's lodgings, and, under the bed, found the horſe-cloth.

Croſs-examined by Mr. Alley. *Q.* What diſtance were you at the time the cart ſtopped?—*A.* I ſuppoſe, about a dozen yards.

Q. Do not you know that horſes will ſtop upon being ſpoke to?—*A.* Yes.

Q. Do you mean to ſwear that the carter had not called to the horſes?—*A.* Yes, I am ſure of it.

Q. When you came up, was he not bargaining, for ſome time, for horſe fleams?—*A.* He did take up many things.

Q. Will you ſwear he did not take up a pair of horſe fleams?—*A.* He might, I cannot ſay.

Q. How long was he in the houſe?—*A.* I cannot particularly ſay, he might be four or five minutes.

Q. Was it not his own great coat that he took out of the cart?—*A.* Yes, it was.

Q. Did he not tell you he wanted to leave that coat there, becauſe it ſhould not be dirtied with the wheels of the cart?—*A.* No.

Q. What money was found upon him—five ſhillings, was it not?—*A.* Yes.

Q. Is it not the duty of a carter to take home a horſe-cloth when it is done with?—*A.* It may be ſo

EDWARD DAVIS *ſworn.*—I went with Tipper, I left him watching the cart: I afterwards went to Miles's door, I ſaw the priſoner loitering about the cart, looking firſt one way, and then another; he came out again, and brought a coat upon his arm; I returned about the time that Tipper took the priſoner into cuſtody; Collingbourne found the property, and has had it ever ſince, they were hinges, pullies, and ſcrews; I afterwards went to his lodgings, in Great Garden-ſtreet, and we found a horſe-cloth between the bed and the ſacking.

WILLIAM COLLINGBOURNE *ſworn.*—I went with Davis to the houſe of Miles: I ſaw the cart ſtanding at the door, I waited till Miles and Cain came out, and I immediately ran acroſs the road and took them into cuſtody; after we had ſecured them, I went with Tipper, into a back room, and there I ſaw a quantity of ironmongery lying upon the table, in different places; I immediately took it, and have had it ever ſince; I was with Tipper when he found the deals.

——— BUTT *ſworn.*—I am a conſtable, *(produces the horſe-cloth; and the property depoſed to by Sandler).*

Priſoner's defence. As I was a going along, there was a coach coming by, and I called my horſes to me; when I came to this ſhop I ſaw a pair of horſe fleams, and I aſked the man the price of them, when this gentleman came up and took me.

The priſoner called Thomas Bennett, who had known him ſix or ſeven months, and gave him a good character.

GUILTY (Aged 21.)

Confined twelve months in the Houſe of Correction, and fined 1s.

Tried by the firſt Middleſex Jury, before Mr. Baron THOMPSON.

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83. JAMES BAVELY was indicted for feloniouſly ſtealing, on the 19th of December, two ſaddles, value 20s. two pair of boots, value 5s. and a cloth great coat, value 10s. the property of Jeſſe Haſſell, privately in his ſtable.

JESSE HASSELL *ſworn.*—I keep a ſtable in Clerkenwell: On Tueſday the 19th of December laſt, I loſt my property, I had ſeen them in my ſtable on Monday afternoon; I miſſed them about half paſt ſix o'clock on Tueſday morning.

Q. Have you ever ſeen them ſince?—*A.* Yes, at Whitechapel; I ſaw the two ſaddles, and the two pair of boots, and a great coat, I knew them to be mine; I had ſeen the priſoner in the yard five or ſix weeks before.

JOHN GRIFFITHS *ſworn.*—I am one of the conſtables of Whitechapel-office: On Tueſday the 19th of December, I was ſent for to the Catherine-wheel, in Eſſex-ſtreet, Whitechapel; I went there with a fellow officer, and there was the priſoner eating ſome fiſh, that was between ten and eleven in the morning, the ſaddles and boots were in the room; I aſked him how he came by them; he told me he could give a very good account of himſelf when he came before the Magiſtrate; ſome time after

after that, he told me that a man, whom he ſuppoſed to be a butcher, met him in the Strand, between five and ſix o'clock—

Q. Did you tell him it would be better for him to confeſs?—*A.* I did.

Court. Then you muſt not tell us what he ſaid after that.

ERNEST HUMBACH *ſworn.*—I keep the Catherine-wheel, in Catherine-wheel-alley, Whitechapel: On Tueſday the 19th of December, about ſix in the morning, when I opened my houſe, the priſoner was ſtanding with two ſaddles upon his head, he ſaid his maſter put up at Charing-croſs; he wanted to go into a private room with them, and I would not let him, I told him to lay them in the public room; then he called for a pint of purl, and went away; he left the ſaddles in my houſe, and he came again about an hour after, that was about eight o'clock; then he wanted ſome fiſh, and I ſent out for ſome, he told me he had taken the two ſaddles for a debt; I ſent for an officer, and he took him; the boots and ſaddles are here.

Q. Is the priſoner the man?—*A.* Yes, that is the lad.

—— LAZARETT *ſworn.*—I keep a clothes-ſhop in Roſemary-lane: On Tueſday morning, the 19th of December, he brought me a great coat, I gave him a pair of breeches, and two ſhillings and eightpence for it; it was worth about ten ſhillings.

Q. Are you ſure he is the man?—*A.* Yes; I have had it ever ſince. *(Produces it).*

Haſſell. This is my coat; it is a livery coat, it was given me by a gentleman that I lived groom with for fourteen years.

Griffiths. Theſe are the boots and ſaddles that I had from the public-houſe.

Haſſell. Theſe are mine; I know them by having worn them ſo much, they are worth about five ſhillings; the ſaddles I think are worth about a guinea, they are mine.

Priſoner's defence. They were given me by a young man that uſed to be in the yard with a cart.

The priſoner called two witneſſes, who gave him a good character.

GUILTY (Aged 18.)

Of ſtealing goods to the value of 4s.

Confined twelve months in the Houſe of Correction, publicly whipped, and diſcharged.

Tried by the firſt Middleſex Jury, before
Mr. RECORDER.

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84. BENJAMIN GOLDING was indicted for breaking and entering the dwelling-houſe of Dinah Spencer, widow, about the hour of three in the night of the 16th of December, with intent, her goods, chattels, and monies, burglariouſly to ſteal, and ſtealing thirty one pounds of pigs fat, value 9s. thirty pounds of black-puddings, value 10s. and a hempen bag, value 2d. the property of the ſaid Dinah; a pair of leather boots, value 2s. the property of Thomas Spencer, and a pair of leather breeches, value 5s. the property of James Daleman.

DINAH SPENCER *ſworn.*—I live in Sharp's-alley, Cow-croſs; my houſe was broke open on the 16th of December, I was alarmed about ſix o'clock in the morning, it was then dark, I can only prove the property.

THOMAS SPENCER *ſworn.*—I am ſon to the proſecutrix; I went to bed about half-paſt twelve o'clock, my ſiſter went laſt to bed; the windows and doors were faſt when I went to bed, the back door that leads into the ſtreet was bolted, that was the door that was found open; I got up about half paſt ſix, and found the back door open that goes into the yard, that is only upon the latch, it was latched when I went to bed.

Q. How do you get your livelihood?—*A.* By living with my mother.

Q. How does ſhe get her livelihood?—*A.* Something in the butchering line; my boots were lying by the fire-ſide in the kitchen, it was quite dark when I came down in the morning; I know the priſoner very well, I had known him about a month before, he was a ſervant of mine, I hired him for a fortnight, and my mother turned him away on the Saturday that this happened on the Tueſday.

Jury. *Q.* In what capacity did you hire him?—*A.* To do the drudgery; I was to give him two ſhillings a week to clean the ſtable, and look after the pigs.

Mrs. Spencer. I loſt property to the value of ten ſhillings, about thirty pounds weight of black puddings, and thirty-five pounds of pigs flare, my ſon had brought it home the night before.

Thomas Spencer. I had brought home the pigs fat the night before, I gave about 16s. for it, but I believe it was rather more than it was worth.

JAMES DALEMAN *ſworn.*—I am ſervant to Mrs. Spencer; on Friday night, I went to bed about twelve o'clock, I loſt a pair of ſhoes, I left them at the foot of the ſtairs, and when I came down in the morning, the houſe was broke open; I have ſeen a pair of ſhoes ſince that are like them, but I cannot ſwear to them.

ROBERT FRENCH *ſworn.*—The priſoner at the bar, on the 31ſt of December, brought thirty-one pounds weight of pigs fat from a butcher in Brick-lane, of the name of Watkins, he ſaid, I was to give him a note for it, and the money; I gave him a note, and the money.

Jury. *Q.* What did you give a pound for it?—*A.*

—*A.* Threepence a pound, I believe it has been pretty well proved that I gave the value for it.

JOHN GASS *ſworn.*—I am a pariſh officer belonging to St. Luke's; I was coming up White-croſs-ſtreet, on Saturday the 16th, between twelve and one in the day, I heard a cry, that a thief had ran into a ſlaughter-houſe, I went in, and ſeized him, with the black puddings upon him, there were a vaſt quantity in a large bag; I apprehended him with the boots on his legs, *(produces them;)* I have had them ever ſince.

Thomas Spencer. They are very much like my boots, but I cannot ſwear to them.

Mr. Gaſs. The priſoner told me where the fat was, at Mr. French's, in Barbican, and he took me to a houſe in Baſket-alley, where the ſhoes were, he went to the drawer, and took the ſhoes out, and gave them to me. *(Produces the ſhoes.)*

Daleman. I cannot ſwear to them.

Priſoner's defence. Going acroſs Newgate market, I ſaw ſomething lying in the market, as I was going to market, I looked at it, and found it was this bag of puddings; I took it home, and kept it till I could not find an owner, and then I ſold the fat.

GUILTY of ſtealing the goods, but not breaking and entering the dwelling-houſe.

Tranſported for ſeven years.

Tried by the London Jury, before Mr. Juſtice HEATH.

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85. MARY, the wife of CHARLES POWELL was indicted for breaking and entering the dwelling-houſe of Thomas Oldham, about the hour of twelve in the night of the 15th of December, and burglariouſly ſtealing, two ſilver table ſpoons, value 30s. a deſert ſpoon, value 6s. ſix ſilver table-ſpoons, value 6s. a pair of ſugar-tongs, value 4s. a ſilver cream-pot, value 15s. a ſilver marrow-ſpoon, value 58s. forty-eight knives, with ſilver handles, value 15s. forty-eight forks, with ſilver handles, value 15s. twenty-four deſert knives, value 20s. twenty-four deſert forks, value 20s. and three pair of ſheets, value 4l. the property of the ſaid Thomas.

(The caſe was opened by Mr. Gurney).

(The witneſſes were examined apart at the requeſt of the priſoner).

THOMAS OLDHAM *ſworn.—Examined by Mr. Gurney.* I live in Mile-end Green; my houſe was broke open on the night of Friday the 15th of December; I went to bed at ten o'clock, I was the laſt perſon up; I ſaw that the doors were faſt, the cupboard doors, and my bureau and book-caſe were all faſt when I went to bed; the cupboard and book-caſe were in the back parlour; I got up about ſeven o'clock, rather before than after, it was then ſcarcely light; one of my ſervants was up before me, in conſequence of what ſhe told me, I examined and found the robbers had entered, by breaking open the ſhutters of the back kitchen window, the ſaſh of the window was lifted up, and with a borer, they had bored ſeveral holes in the inner ſhutter, and forced them into one; they had then lifted up the bar, and entered the houſe; I found three cupboards broke open, one in the back room, one in the drawing-room, and one in the front parlour; the two cellar doors were broke open; and ſome wine packed up ready for carrying off, my book-caſe was broke open, my bureau examined, the drawing-room curtains cut off, chair covers, quilts, and plate, with variety of other articles, were gone; I loſt all the things charged in the indictment.

Q. How ſoon afterwards did you hear of your things again?—*A.* The firſt that I heard of them was, in conſequence of an advertiſement in a paper, when I went to Bow-ſtreet, and ſaw the property that will be produced, the ſpoons, and the tea tongs, that was about a fortnight after the robbery, the priſoner was in cuſtody, they are in the poſſeſſion of the conſtable.

Croſs-examined by Mr. Agar. *Q.* When you got up, it was light?—*A.* Hardly; it could not be called day-light.

Q. You know you had light enough to ſee what had been done to the houſe?—*A.* In the ſpace of ten minutes afterwards there was light enough.

Q. This robbery was probably committed a ſhort time before you got up?—*A.* My next door neighbour can tell that better than I can.

Court. *Q.* Where was the plate depoſited?—*A.* It was in general uſe in the houſe, and ſome of it was in the cupboards, ſome in the kitchen, and in various places.

Mr. Agar. *Q.* You do not know when you had ſeen any of the articles before?—*A.* Yes; I had ſeen one of the ſpoons the evening before.

ANN HORNSBY *ſworn.—Examined by Mr. Gurney.* I am ſervant to Mr. Oldham; the night before the houſe was robbed, I faſtened all the windows and doors, I believe, I am ſure I faſtened the window of the back kitchen; I got up next morning between ſeven and eight, after day-light; when I came down, I went to let the gardener in, I went into the parlour, and there was nothing out of its place; I then went down into the kitchen, and the drawers were all open, and the things all about, every thing was turned out of the work-bags, upon the floor; I looked no further then, but went and made the fire; after I had made the fire, I went into the back kitchen, I went to the window to open it, and the inſide ſhutter, that had holes made in it, was doubled back, I did not obſerve

the

the holes at that time, becauſe it was doubled back, the ſaſh window was left up, one of the outſide ſhutters was ſhut cloſe, the bar, which was acroſs the inſide ſhutters, was put up againſt the outſide one that was ſhut; the other outſide ſhutter was put back againſt the wall, and the other inſide ſhutter, which the holes were not in, was ſhut; there were two baſkets of wine packed up; when we came to look about, we miſſed the things named in the indictment; I had all the ſpoons in uſe the night before.

Q. Had you yourſelf heard any noiſe in the courſe of the night, or the morning before you got up?—*A.* I had not.

Q. Did you obſerve any marks upon the floor when you came down?—*A.* No, I did not, the floor was dirty.

Croſs-examined by Mr. Agar. *Q.* You were the firſt perſon up in the houſe?—*A.* Yes.

Q. Your maſter got up after you?—*A.* Yes.

Q. It had been light ſometime before?—*A.* Yes.

Q. This robbery had been probably committed ſome ſhort time before you came down, they had not taken away the wine, you know?—*A.* No, they had not.

Q. They had not time to take it away before you came down?—*A.* The ſervants at the next houſe diſturbed them.

Q. Were holes bored in the ſhutter near the faſtening?—*A.* Yes.

Q. They broke open the cupboards where the plate was, and the cellar?—*A.* Yes.

Q. Then, from all theſe circumſtances of breaking open the ſhutter cloſe to the faſtening, and finding out the places where the plate was, do not you believe the robbers knew ſomething about the houſe?—*A.* That I do not know.

Q. You never ſaw the poor woman at the bar before?—*A.* No.

Mr. Gurney. *Q.* Had you been awake long before?—*A.* No.

ANN MEACOCK *ſworn*—*Examined by Mr. Gurney.* *Q.* I am ſervant to Mr. Oldham; I got up about ſeven o'clock the morning of the robbery, it was not quite day-light; I had ſeen two table-ſpoons the night before, and ſome tea-ſpoons, I can't ſay how many; the cream-pot was in the cloſet in the parlour that night, they were in common uſe in the houſe.

BETTY PRENT *ſworn.*—*Examined by Mr. Gurney.* I am ſervant to captain Wallis, next door to Mr. Oldham; I remember Mr. Oldham's houſe being broke open, I got up that morning about five o'clock, and heard a noiſe, but I thought it was one of Mr. Oldham's ſervants up; I did not ſtay above five minutes in the houſe, before I went out for the duſt ſhovel into the garden, I took the ſhovel, and went in doors again.

Q. At your opening the door and going out, did you make a noiſe that could be heard at Mr. Oldham's?—*A.* I do not know, I did not make much noiſe, becauſe I was afraid of waking our family.

Q. How far is it from the door that you opened to the back kitchen window of Mr. Oldham's?—*A.* But a little way.

Q. Is it near enough to hear the opening of your back door there?—*A.* Yes, it is.

Q. After you had gone into the houſe again, did you hear any more noiſe in Mr. Oldham's houſe?—*A.* No, I did not.

Court. *Q.* Had you any candle with you?—*A.* Yes, I had; we ſleep in the kitchen.

Court. *Q.* Then it was neceſſary to light a candle, was it, when you got up?—*A.* Yes; it was pitch dark.

Q. How did you light your candle?—*A.* I ſtruck a light.

Court. *Q.* When you went into the garden, did you take the candle with you?—*A.* Yes, I did.

Court. *Q.* What ſort of a noiſe was it?—*A.* I thought it was ſomething like the opening of a ſhutter.

Q. Does Mr. Oldham's back kitchen window look into your garden?—*A.* There is a brick wall between.

Mr. Gurney. *Q.* Do you come down ſteps from your back door into the yard?—*A.* Yes.

Q. As you carry a candle down thoſe ſteps, would the light of that candle ſhew over the wall?—*A.* I dare ſay it would.

ALICE WARING *ſworn*—*Examined by Mr. Gurney.* I live next door to Mr. Oldham; I recollect Mr. Oldham's houſe being broke open.

Q. Did you examine in your garden if there were any tracks of footſteps?—*A.* Yes; I ſaw the footſteps in the garden, acroſs from one garden to the other, adjoining Mr. Oldham's yard.

Q. What number of footſteps were there?—*A.* I do not know the number, there was a very great difference in the ſteps, one footſtep appeared to be like the mark of a woman's ſhoe; they appeared to me to come from the play-ground of Miſs Jones's ſchool acroſs my garden to Mr. Oldham's.

Q. What time in the morning did you obſerve theſe footſteps?—*A.* Between nine and eleven.

Croſs-examined by Mr. Agar. *Q.* There were women reſiding in your houſe?—*A.* Yes.

Q. And thoſe women ſometimes walk in your garden?—*A.* Certainly.

Court. *Q.* Was it upon the gravel walk, or where?—*A.* Upon the mould, on the borders; the footſteps went both ways towards Mr. Oldham's, and back again.

Court. *Q.* Was the woman's foot diſtinguiſhable both ways?—*A.* No; only back again.

Court.

Court. Q. Will you undertake to ſay that it was the impreſſion of a woman's ſhoe?—*A.* It appeared to me to be ſo.

(Here Mr. Oldham drew a plan and preſented to the Court, deſcribing the ſituation of his premiſes, and thoſe adjoining).

JAMES BLY *ſworn.—Examined by Mr. Gurney.* I am a conſtable of St. John's, Weſtminſter: I apprehended the priſoner at the bar, on the 22d of December; I found upon her, a table ſpoon broke, two tea-ſpoons, a pair of ſilver tea-tongs, part of a ſilver bottle label, upon which the word Sherry had been, Sh remained upon it, and fifteen counterfeit ſhillings; I found nothing elſe relative to this charge, *(produces the property)*; I apprehended her in Compton-ſtreet, upon another buſineſs; I found theſe things in her left-hand pocket.

Croſs examined by Mr. Agar. Q. This was on the 22d, a week after the robbery?—*A.* Yes; ſhe ſaid, that ſhe came by them honeſtly; but the marks could not be ſworn to.

Q. You know the proſecutor, in this caſe, offered a reward of thirty guineas?—*A.* Yes.

Q. Have you not received any part of that?—*A.* No.

Q. Not fifteen guineas?—*A.* No.

Q. But you expect it in this caſe?—*A.* I do.

Mr. Gurney. (To Oldham). Q. Are there ſufficient remaining of the marks for you to know that they are your property?—*A.* There are upon all, except the bottle label.

Court. Q. What are the marks?—*A.* T E O; I have ſome more of the ſame ſort, *(produces both table and tea-ſpoons)*; there is one of the tea-ſpoons that I know from another mark, having met with an accident, it was bent in the bowl, and has been ſince ſtraitened.

Mr. Gurney. (To Ann Hornſby). Q. Look at theſe ſpoons?—*A.* I know this ſpoon that was bent very well, it is Mr. Oldham's; I know it by the marks in the bowl.

Mr. Agar. Q. You were not ſo poſitive before the Magiſtrate?—*A.* Yes; I ſaid, there, it was the ſame.

Court. When the queſtion is aſked, it is right to ſtate, that the examination is here, that ſhe did ſay ſhe was ſure it was her maſter's.

The priſoner left her defence to her Counſel, and called four witneſſes, who gave her a good character.

GUILTY of ſtealing goods, value 39s. (Aged 26).

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury, before Mr. Baron THOMPSON.

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86. WILLIAM HOLMES was indicted for feloniouſly ſtealing on the 19th of December, a wooden till, value 6d. 1152 halfpence, value 48s. and 3l. in monies numbered, the property of Ann Swindell, widow.

ANN SWINDELL *ſworn.*—I am a widow: On Tueſday, the 19th of December, the priſoner came into my houſe, I keep wine vaults, between five and ſix in the evening, I was gone out of the ſhop into an inner room to tea, and before we had drank one cup, we heard a rattle of halfpence in the ſhop behind the counter; I immediately ran to the ſhop, and my nephew caught the man before he got to the door; he ſecured him till the officers came from Bow-ſtreet; two of them ſearched him, and took him away; there was no money found upon him; he had got the till out of its place, and laid upon the counter; he finding himſelf caught, went down upon his knees and begged for mercy; it was a wooden till, containing 3l. in ſilver and 48s. in halfpence; he begged for mercy, and ſaid, he had a wife and children; I told him, as he had put himſelf under the law, he muſt abide by it, he had had no mercy upon me or my children.

Priſoner. Q. Did you ſee me take it?—*A.* No.

Q. Did you ſee me put it down?—*A.* No. He ſaid he did not mean to take it away.

Court. Q. When had you laſt ſeen it in its place?—*A.* Some hours before; my nephew had ſeen it very ſhortly before.

———*ſworn.*—I was drinking tea with the laſt witneſs; I heard a noiſe like the rattling of halfpence; I went into the ſhop, and ſaw the priſoner in the ſhop.

Q. Running or walking?—*A.* Walking.

Q. Did you ſee him have hold of any thing in the ſhop?—*A.* No; about three minutes before, I ſaw the till in its proper place; when I went into the ſhop it was drawn out, and put upon the counter.

Jury. Q. Was the till locked?—*A.* Yes, but the key was in it.

Priſoner's defence. I had juſt left work, I looked in for a glaſs of gin, and as I went in at the door a man ſtruck me, and knocked me backwards; I am quite innocent of it.

GUILTY.

Confined twelve months in the Houſe of Correction, and fined 1s.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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87. ELEANOR NOWLAND was indicted for feloniouſly ſtealing, on the 31ſt of December, a ſilver table-ſpoon, value 10s. a ſilver tea-ſpoon, value 2s. a linen frock, value 2s. a flannel petticoat, value 2s. and a dimity petticoat, value 2s. the property of Elizabeth Townſend, ſpinſter.

ELIZABETH TOWNSEND *ſworn.*—I am a ſingle woman, I keep a houſe in Ruſſell-ſtreet, Covent-Garden:

Garden: I had hired the priſoner on the 29th of December, from the office at Charing-croſs; I had a very good character with her, but have every reaſon to believe it was a falſe one; I had all the things in my hand on Saturday the 30th of December, and I miſſed them the next day about twelve at noon, I had occaſion to go to the drawer and miſſed my things; I ſent for an officer, and he ſearched her, he found one of the ſpoons in her pocket; on the Saturday night I ſent her out of an errand, and ſhe was gone about two hours and a half, when ſhe need not have been gone ten minutes, and ſhe came home very much in liquor.

JOHN M'GREGOR *ſworn.*—I ſearched the priſoner, and found upon her this tea-ſpoon; ſhe told me ſhe found it in a company up ſtairs, and had put it in her pocket for ſafety.

Court. (To Townſend.) Q. Did you keep any thing of a public-houſe?—*A.* Yes; I keep a lodging-houſe.

Q. *(To M'Gregor.)* What is the proſecutrix—does ſhe keep a lodging-houſe for men or women?—*A.* I believe, both.

Q. In Covent-Garden?—*A.* Yes.

Priſoner's defence. She keeps the Key bagnio, a moſt infamous houſe; the ſpoon was up ſtairs with a ſea-faring captain and two women, and I put it in my pocket to take care of it; ſhe takes in women and children all day long; her women ſteal her property, and then ſhe lays it on innocent ſervants.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice HEATH.

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88. SAMUEL SAMUELS was indicted for feloniouſly ſtealing, on the 7th of December, a cloth cloak, value 20s. two aprons, value 5s. a linen ſhift, value 1s. a muſlin handkerchief, value 1s. a linen ſhawl, value 2s. a linen handkerchief, value 1s. a linen cap, value 6d. a flannel cap, value 6d. a pair of cotton ſtockings, value 2s. and a looking-glaſs, value 6d. the property of Martha Harris; and a linen towel, value 6d. the property of Edward Harris.

MARTHA HARRIS *ſworn.*—Q. Are you a married woman?—*A.* No, Edward Harris is my father; I live in Burleigh-ſtreet, Exeter-change, my father is an army cutter, an army taylor: On the 7th of December, I was going to ſee a friend on board the Brunſwick Eaſt-Indiaman, at Blackwall.

Q. Had you occaſion for the things you carried with you?—*A.* Yes; I packed up the things mentioned in the indictment, they were all my property, except the towel, and that was my father's, I tied them up in one of the handkerchiefs; I know nothing of the priſoner, except that I met him the night before by Temple-bar, and he, out of friendſhip, ſaid he would ſhew me the way to the ſhip, he was an acquaintance of my friend that I was going to ſee; the firſt time I had ever ſeen the priſoner was with my friend, about a month ago; I never was on board a ſhip.

Q. Had he ever been at your houſe before?—*A.* No, never.

Q. What time of night was it when you met him at Temple-bar?—*A.* About ſeven o'clock, as near as I can gueſs, he aſked me if I was going on board a ſhip next day; I told him I was; he aſked me if he ſhould come and ſhew me the way, that he was ſure I ſhould never find the way by myſelf; I told him he might come up to ſhew me the way; he came, and waited till I had tied up the things, I put them down upon the table in the room where he was, till I had prepared myſelf to go; when I was ready to go, I was going to take the bundle up to carry, he ſaid, no, it would be too heavy for me to carry it, he would carry it; I ſaid, no, I would carry it, I did not wiſh to give him the trouble of carrying it; he told me not to mention the trouble, for it was none; accordingly he took the bundle off the table, and walked down ſtairs immediately; I walked down immediately after him, and when I got to the bottom of the ſtairs, he was abſent, I did not ſee him go; I made endeavours to find him along the Strand, through Exeter-ſtreet, and up and down every ſtreet where I thought I might be liable to ſee him; I did not ſee any more of him till he was taken priſoner on the Monday evening following; I was told, by an acquaintance of his, where he ſlept, I went down with the watchman, and took him up; it was in a houſe in Ship-yard, Temple-bar, I told the watchman that was the priſoner; he ſaid, if I gave charge of him, he would give charge of me; I told him he was very welcome to do that; when he got to the watch-houſe, he ſaid, he was knocked down, with the bundle, as he was going acroſs Stepney-fields.

Q. He was not to go to this ſhip without you?—*A.* No; he was to go to ſhew me the way.

Q. Did you ever ſee any of theſe articles again?—*A.* No.

Croſs-examined by Mr. Knapp. Q. Have you got any more witneſſes here?—*A.* No; my father is out of town.

Q. The watchman is not here?—*A.* No.

Q. You were to take this bundle to the ſhip?—*A.* Yes.

Q. Stepney-fields is in the way to Blackwall?—*A.* Yes, I believe it is; I am a ſtranger to that part.

Q. You told us what buſineſs your father was—what buſineſs are you?—*A.* I work in the muff buſineſs, in a ſhop in the Strand, near Temple-bar.

Q. You

Q. You know Temple-bar very well?—*A.* Yes, I am often that way.

A. Sometimes of an evening too?—*A.* Never unleſs my buſineſs calls me.

Q. But does your buſineſs call you there frequently?—*A.* No, unleſs my father ſhould want me to go that way.

Q. You knew the priſoner lived in Ship-yard before?—*A.* I knew he lived in Shire-lane, but did not know the houſe.

Q. How came you to know the priſoner lived in Shire-lane?—*A.* Becauſe this friend that I was going to ſee told me ſo.

Q. What is his name?—*A.* Noble.

Q. What is he?—*A.* He has got a place on board a ſhip.

Q. A ſingle man?—*A.* Yes.

Q. How long have you known the priſoner?—*A.* A twelvemonth.

Q. You have frequently ſeen him?—*A.* Yes, in that neighbourhood; becauſe his mother keeps a houſe in Ship-yard; I know his mother.

Q. You frequently went to ſee him?—*A.* Not to ſee him; his mother did keep a ſhop in the fruitery line, and I have been there to buy things.

Q. How often had you ſeen the priſoner before this happened?—*A.* Three times.

Q. Where had you ſeen him?—*A.* Frequently, in that neighbourhood, in the ſtreet paſſing by.

Q. For what purpoſe were you going there?—*A.* My father was coming to me on the Sunday.

Q. You were to ſtay on board the ſhip?—*A.* Yes; there was a young woman there I was going to ſee.

Q. You had packed up theſe little articles to ſtay on board the ſhip with Mr. Noble for three days?—*A.* I was going to ſtay till Sunday.

Court. Her connection with Mr. Noble has nothing at all to do with this caſe; let it be what it would, ſhe is not to he robbed; and the robbery is diſtinctly proved.

Priſoner's defence. I have known this girl upwards of a twelvemonth; I was on the Wedneſday night in Shire-lane, in company with this ſailor, this girl came there, and the ſailor told her, he was going on board a ſhip; this girl aſked him whether he would let her go with him, and he ſaid, yes; he told her, he ſhould come to her houſe the next morning, with me, at ſeven o'clock, to go on board; ſhe told him, there was a ſtring to pull the door, if the door ſhould be locked; we parted that night, and came again the next morning, and he ſaid, it was of no uſe for her to go with him, and he aſked me if I would go on board ſhip with him that day, and I went with him on board, and then I came home from the ſhip, and he aſked me if I would go for her the next day; and I accordingly did call for her, about one o'clock, and ſhe aſked me if I wanted any thing to eat; I told her, yes; and ſhe gave me a bit of bread and cheeſe; and then ſhe aſked me, whether ſhe ſhould take any thing on board; I ſaid, if ſhe was going to ſtop, ſhe might; then ſhe ſaid, ſhe would ſtop on board; ſhe accordingly packed up ſome thing, and ſhe aſked me, if I would take them for her a little way; ſhe ſaid, ſhe would carry them ſome part of the way; I told her, yes, I had no objection to it; ſhe then aſked her father, how long ſhe might ſtop; her father ſaid, he did not care how long; her father gave me a towel, and aſked me, if I came up the next day, if I would bring him ſome biſcuits; I told him, if I did come up, I would bring him ſome; then we both came down ſtairs, and ſhe ſtopped to put her pattens on, and told me to go on; accordingly I went on; going on, I miſſed her on the way; I thought ſhe had got on before me; I went down towards Limehouſe, and coming along Stepney fields, I met with two ſailors, they aſked me, what I had there; I told them, I had a few things to take on board a ſhip; they aſked me, what ſhip I was going on board of; I told them the name of the ſhip; and while I was telling them, one took the bundle away, and the other ſtruck me, and made my noſe bleed; I did not know what to do, I thought it would be the beſt way to make my way towards home; and making my way towards home, I came along Wapping, and I met a young woman that I knew; ſhe aſked me, what I had been about, and I told her what had happened; ſhe told me, it would be beſt for me to go home; I told her, I was afraid to go home; and in a night or two after, I met with this girl in Shire-lane, and ſhe did not ſay any thing to me then; and ſoon after, ſhe charged the watchman with me, the ſame night.

Court. (To Proſecutrix). Q. Had you met the priſoner in Shire-lane that night, before he was apprehended?—*A.* No, I had not; I did not ſee him.

The priſoner called Samuel Phillips, who had known him two or three years, and gave him a good character.

GUILTY (Aged 16.)

Confined nine months in the Houſe of Correction, and fined 1s.

Tried by the ſecond Middleſex Jury before Mr. Baron THOMPSON.

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89. JAMES WRIGHT, WILLIAM WRIGHT, and JOHN SEYMOUR, were indicted for that they, on the 2d of January, in the King's highway, in and upon John Gray, did make an aſſault, putting him in fear, and taking from his perſon, a ſilver watch, value 20s. a ſteel watch chain, value 6d. a metal watch key, value 1d. and 4s. in monies numbered, the property of the ſaid John.

JOHN

JOHN GRAY *ſworn.*—I am a ſhoe-maker: On Tueſday evening, the 2d of January, a little after five o'clock, I was coming to London from Edgware, I had been down to ſee my relations.

Q. Had you been drinking?—*A* No.

Q. Had you not been making merry on New Year's Day?—*A.* No.

Q. Were you on foot or on horſeback?—*A.* On foot. I met the three priſoners at the bar between the three and four mile ſtone; one of them paſſed me firſt, the ſecond came to me, preſented a piſtol, and demanded my money; I lifted up my ſtick to ſtrike him, and it was taken from me immediately by one of them, I cannot ſay which; I then ran a little way, and the priſoners purſued me; upon one of them ſaying, ſhoot, I ſtopped immediately, and the three priſoners came up, each with a piſtol, and demanded my money.

Q. What ſize were the piſtols;—*A.* They appeared to me to be pocket piſtols; I begged of them not to uſe me ill, and I would give it them; I gave them 5s.; they aſked me if that was all, and I ſaid, no, I had another ſixpence, and they gave me a ſhilling back again, and took my watch from me; when I had got a little further towards Town, I met ſome countrymen, and I aſked them to purſue, we purſued them immediately, but did not find them till near two hours after; at laſt we found them exactly facing the gibbet, about a mile further from Town than where I was robbed; we took them to a public-houſe, and ſearched them; I ſaw my watch found upon them, and I ſaw two piſtols taken from them.

Q. What ſort of light was it?—*A.* It was after dark, but the moon was riſing; I ſaw their faces very clearly.

Q. Have you any doubt about the men at all?—*A.* Not the leaſt.

Croſs-examined by Mr. Knowlys. *Q.* Do you recollect, before any of them came up, hearing any converſation about the father or mother?—*A.* I think I heard one of them ſay, I wonder what my father would ſay to this; I underſtood it ſo.

Q. They returned you one ſhilling out of your five ſhillings and ſixpence?—*A.* They returned me one ſhilling, and did not take the ſixpence.

Q. Do you know upon which of them the watch was found?—*A.* No; I was in the room when it was taken from him, but it was not taken from him by me.

CHARLES WRIGHT *ſworn.*—I am a wheel-wright: I purſued the priſoners, and was preſent at the time they were taken, I helped to take them; I ſaw them ſearched, and a piſtol taken from the young man in the middle, (William Wright); I did not ſee the watch.

Court. *Q.* How was the moon?—*A.* It was a full moon that day.

EDWARD AUSTIN *ſworn.*—I went in purſuit of the priſoners, I ſaw them ſearched; I took a piſtol from one of them myſelf.

Q. Which of them?—*A.* John Seymour; I did not ſee the watch taken.

HENRY TAYLOR *ſworn.*—I joined in purſuit of the priſoners; I ſaw two piſtols taken from them; I took a piſtol from the middle one, (William Wright,) and another from Seymour; I ſaw a watch taken from him on the left-hand ſide, James Wright.

WILLIAM TILLIARD *ſworn.*—I joined in purſuit of the priſoners; I ſaw the watch taken from James Wright, I ſaw a piſtol taken from Seymour, and one from William Wright.

WILLIAM MORGAN *ſworn.*—I joined in purſuit of the priſoners; I took from James Wright, nine balls, and two knives; I took the watch from James Wright, Fugion the officer has got it.

EDWARD FUGION *ſworn.*—I am an officer of Bow-ſtreet, *(produces the watch and the piſtols;)* they were delivered to me by the laſt witneſs.

Gray. I know the watch by the chain, and the appearance of it; I have a memorandum in my pocket of the name of the maker, and the number, and it correſponds.

The priſoners left their defence to their Counſel.

The two Wrights called ſix witneſſes, and Seymour one witneſs, who gave them a good character.

James Wright, GUILTY **Death.** (Aged 19.)
William Wright, GUILTY **Death.** (Aged 17.)
John Seymour, GUILTY **Death.** (Aged 19.)

Tried by the ſecond Middleſex Jury, before Mr. Juſtice HEATH.

90, WILLIAM NEWTON was indicted for feloniouſly ſtealing, on the 20th of December, eight ſheets of copper, containing 49lbs. weight, value 30s. the property of David Crombie, and Joſeph Longbottom.

(The caſe was opened by Mr. Ward.

JAMES TAYLOR *ſworn.—Examined by Mr. Ward.* I am foreman to Meſſrs. David Crombie, and Joſeph Longbottom: On the 20th of December, I received into our warehouſe, 200 ſheets of new copper; I locked up the warehouſe between ſix and ſeven o'clock, with all the copper ſafe in it; about ten o'clock at night, I was called up by the watchman, I went to the watch houſe firſt, and then I went to the accompting-houſe and examined it, and found the box of the lock broke off, and ſixteen ſheets of copper gone.

JONH VINCENT *ſworn.—Examined by Mr. Ward.* I am a watchman of Ratcliff; on the evening of the 20th of December laſt, I apprehended the priſoner about ten o'clock, coming up ſome ſteps from a yard adjoining to Meſſrs. Crombie's dock; I aſked him what he had got there, he ſaid he had

got

got a few pieces of copper; I aſked him where he had got them, he ſaid, he had got them on board a ſhip in the dock; I deſired him to put it down, and let me ſee what it was, he laid it down in the ſtreet, and I ſtopped him and the copper, and with another watchman, took him to the watch-houſe.

ABRAHAM FORRELL *ſworn.*—I received this copper from the laſt witneſs, I have had it ever ſince.

Did you promiſe him any favour if he confeſſed?—*A.* No, I did not.

Q. Nor threatened him?—*A.* No; he ſaid he had taken it from a ſhip in the dock; I went down to examine the premiſes, and found them broke open; I went back, and aſked him, how he came to do it, he ſaid, he did it through need, he ſaid, he was the perſon, and he alone that did it. *(The copper produced).*

Taylor. This is our copper, there is 22 marked at the corner of each ſheet, all the 200 are marked 22.

The priſoner did not ſay any thing in his defence.

GUILTY (Aged 20.)

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice HEATH.

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91. SARAH BROWN, otherwiſe MARY LEVER, otherwiſe SARAH MELLISON, was indicted for feloniouſly ſtealing, on the 15th of September, eight pieces of cotton furniture belonging to a four-poſt bedſtead, value 50s. and a diaper towel, value 1s. the property of Jane Gibſon, ſpinſter, in a lodging room.

JANE GIBSON *ſworn.* I am a ſingle woman, I let lodgings, I live in Little Titchfield-ſtreet, Oxford-market: On Friday the 15th of September, I let a furniſhed lodging to the priſoner, at a guinea a week, the articles in the indictment was furniture let in thoſe lodgings, ſhe ſtaid a very ſhort time with me, ſhe came between one and two o'clock in the day, and took poſſeſſion of the lodgings about four o'clock the ſame day; ſhe deſired me to call her rather before ſix o'clock, ſhe ſaid, ſhe had been travelling by the ſtage, and was very much fatigued, and wiſhed to lie down to reſt herſelf; accordingly, at the time ſhe appointed, I called her, ſhe deſired me to walk in, and I attempted to open the door, but it was locked; ſhe ſaid, ſhe was going to where the ſtage put up, to meet her huſband, and ſhe would return again in about half an hour, or three quarters of an hour at moſt, and deſired I would have the kettle boiling againſt her return, for tea; ſhe took the key of the apartment with her, and ſhe never returned; I did not attempt to get into the apartment till the Monday following, this was on the Friday; when the apartment was broke open, I diſcovered that I had loſt a ſet of curtains, belonging to a four-poſt bedſtead, it was in eight pieces; I loſt a diaper towel, and I found the curtains again, full three months afterwards, at Mr. Benjamin Patmore's, in St. Martin's-lane, I never found the towel, I ſhould know the curtains again, when I ſaw them.

Q. Are you perfectly ſure that is the woman?—*A.* Yes; I have ſeen her twice.

DAVID PENYMAN *ſworn.*—I am a pawnbroker, *(produces eight pieces of cotton, four poſt furniture);* I took it in of a woman calling herſelf Sarah Wilſon.

Q. Do you know that woman?—*A.* I do not; from what I can recollect, ſhe was a ſhort woman, inclinable to be luſty; ſhe told me ſhe lived at No. 45, Chandos-ſtreet, and ſhe ſaid ſhe kept a houſe there.

Q. Have you taken the pains to go to Chandos-ſtreet, to enquire if there was any ſuch perſon there?—*A.* No, I did not.

Q. What did you give her upon it?—*A.* Two pounds ten ſhillings; it was pawned on the 15th of September, to the beſt of my recollection, between ſeven and eight in the evening.

WILLIAM GUYER *ſworn.*—Mrs. Gibſon told me the priſoner was apprehended, it may be a month or ſix weeks ago, and I went with Mrs. Gibſon to the New-priſon to ſee her, ſhe had a book in her hand; after a little converſation, I called her on one ſide, and told her to acknowledge to the property, and it would be a great deal better for her.

Court. Then you may ſtand down.

NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. RECORDER.

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92. SARAH BROWN was indicted for feloniouſly ſtealing, on the 21ſt of November, a black ſilk cloak, value 5s. and a pair of ſilver ſugar tongs, value 7s. the property of George Lee.

JANE LEE *ſworn.*—I am the wife of George Lee, I live in Great Queen-ſtreet, Lincoln's-Inn-fields: On the 21ſt of November, about twelve o'clock in the day, the priſoner came to my houſe, I had never ſeen her before in my life, ſhe came and aſked if we had any apartments to let; I told her I had, and ſhe ſaw them, and engaged them for two months certain; I told her the lodgings would not be ready that day; ſhe ſaid ſhe was the wife of Captain Wilſon, that ſhe came from Yarmouth; ſhe preſſed very hard to come the ſame day; ſhe ſaid, ſhe had no where to be but at the inn, which was very aukward to her, not having her huſband with her.

Q. Was the parlour the room ſhe was to have?—*A.* No; ſhe then went away, and returned in about

about half an hour with a ſmall bundle tied up in a ſilk handkerchief; ſhe went into the parlour and ſtaid there about two hours, ſhe was alone during that time; ſhe then came out to me in the ſhop, and ſaid, ſhe was going to the White-horſe, Fetter-lane, to order her boxes to be brought; ſhe told me ſhe ſhould be back in about half an hour, and ordered me to get the tea-kettle boiling againſt ſhe came back, that ſhe might go to bed; I told her I would; ſhe ſaid, ſhe was very much fatigued with riding in the coach two nights, and wiſhed to go to bed, ſhe went away and never returned after; when ſhe had been gone about an hour, I began to ſuſpect ſhe was a thief, I went into the parlour and began to ſearch to ſee what I could miſs; I found there was my black cloak miſſing that hung up in the parlour.

Q. Are you ſure the cloak was hanging up in the parlour when the priſoner was ſhown into it?—*A.* Yes, I had hung it up juſt before ſhe came; I went to the cloſet, in the ſame room, and miſſed a pair of tea-tongs, I had ſeen them there that day; we had other plate in the cloſet, but nothing more was miſſing; I did not ſee her again till I ſaw her at Bow-ſtreet, which was about a fortnight after.

Q. Did you take notice enough of the perſon to be ſure to know her again?—*A.* Yes.

Q. Is the priſoner that perſon?—*A.* Yes.

Q. Did you find either cloak or ſugar-tongs again?—*A.* Yes, I ſaw them at Bow-ſtreet, and ſwore to them; the cloak was found in priſon, but the lace was taken off, and ſpoiled.

GEORGE JONES *ſworn.*—I am apprentice to Mr. Aſhman, pawnbroker, in the Strand: On the 21ſt of November, I took in a pair of tea-tongs, and a table-cloth, of a woman in the name of Hill; ſhe ſaid ſhe came from Sarah Melliſon, which is the name the priſoner goes by; I knew her very well.

Q. Do you know the woman that came to you, Mrs. Hill?—*A.* Yes, very well.

Q. Was the priſoner preſent when you were examined at Bow-ſtreet?—*A.* Yes.

Q. Do you recollect what you ſaid then?—*A.* I ſaid that the things were pledged in the name of Hill, they were not pledged by the priſoner.

Q. Did you never ſee the priſoner upon the ſubject of thoſe tongs that were ſo pledged by anybody?—*A.* No.

Q. What became of the tongs?—*A.* I have them in my poſſeſſion. *(Produces them).*

Q. How much did you lend upon them?—*A.* Upon the table-cloth I lent ſeven ſhillings, and on the tongs five ſhillings.

JOSEPH TAYLOR *ſworn.*—I am one of the officers of Bow-ſtreet: I took the priſoner into cuſtody on Thurſday the 7th of December; on ſearching her I found a great number of duplicates, and among the reſt the duplicate of the ſugar-tongs. *(Produces it).*

Jones. This is the duplicate I gave to the perſon that pawned the ſugar-tongs; the duplicate ſays, Elizabeth Nelſon by Sarah Hill; they both lodge in one houſe, No. 12, Charles-court.

PETER JACOBS *ſworn.*—*(Produces the cloak).* I am ſervant to Mr. Newport, the Governor of New Priſon, I attend Bow-ſtreet office; I had an order from the office to bring the priſoner up to the office, upon the application of Mrs. Lee, after ſhe was in cuſtody; I brought her from the New Priſon to Bow-ſtreet office; when we came to the office, Mrs. Lee was there, and ſhe made a charge againſt her concerning her cloak, and when I brought her back to New Priſon the priſoner gave me this cloak, Mrs. Lee was there at the ſame time; ſhe received it from a man there that had the cuſtody of it, and then ſhe gave it to me.

Mrs. Lee. This is my cloak, I made it myſelf, I am poſitive it is mine; the ſugar-tongs are marked M F, they are family tongs.

The priſoner did not ſay any thing in her defence.

GUILTY (Aged 29.)

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury, before Mr. Baron THOMPSON.

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93. ISAAC COLNETT was indicted for breaking and entering the dwelling-houſe of Thomas Acton, about the hour of eleven in the night of the 28th of December, and ſtealing a hempen bag, value 6d. 2700 halfpence, and 24 farthings, value 5l. 12s. 6d. the property of Thomas Nichal, Mico Wagſtaff, and Thomas Acton.

(The caſe was opened by Mr. Knapp.)

THOMAS NICHAL *ſworn.*—*Examined by Mr. Knapp.* I am in partnerſhip with Mico Wagſtaff, and Thomas Acton, ironmongers, in Cow-lane, Smithfield.

Q. Whoſe dwelling-houſe is this?—*A.* Thomas Acton's, he alone reſides in the houſe; the priſoner was our errand-boy, I had diſmiſſed him about ten days before the robbery: On the 29th of December in the morning, about nine o'clock, I miſſed from my deſk in the warehouſe—

Court. *Q.* Is the warehouſe a part of the dwelling-houſe?—*A.* It is, completely.

Mr. Knapp. *Q.* Of the warehouſe you all pay the rent jointly?—*A.* We all pay the rates, and the rent of the whole of the houſe; Mr. Acton has permiſſion from the partners to live in the upper part of the houſe.

Q. Are there any partnerſhip ſervants living in the houſe?—*A.* Yes.

Q. You found the deſk broke open?—*A.* Yes, completely; then we looked to ſee what was gone; we

we miſſed about forty pounds weight of halfpence and farthings, I had not ſeen them for a conſiderable time before; the perſon whoſe care it was in is in Court.

—— PALMER *ſworn.*—I am warehouſeman to theſe gentlemen; this money was loſt from a deſk in the ſhop under my care, there were five pounds fifteen ſhillingſworth of halfpence and farthings, I have not counted them, they were as I received them, I miſſed a bag at the ſame time; I have ſeen the bag and the halfpence ſince, I believe them to be the proſecutors' property, on Friday morning I miſſed them; I ſaw the priſoner at the bar at the Compter, and had ſome converſation with him, on the Saturday.

Q. Did you ſay any thing to induce him to ſay what he did?—*A.* No.

Mr. Knowlys. Q. What did you ſay to him?—*A.* I aſked him to explain the manner in which he had done it.

Q. Did you not tell him, you thought that his maſters would be more indulgent to him?—*A.* I did not, nor any thing like it; he informed me, that about ſeven o'clock, he got over the wall into the yard, that he went into the warehouſe, and concealed himſelf in the nail cellar; I told him, I was at work in the warehouſe that evening till after eight o'clock, he told me he had cut a tackle rope, took that up ſtairs with him, and opened a door to an adjoining warehouſe, unlocked an adjoining door, and then went out at the top of the houſe by opening a trap-door; he took this rope with him along the top of the houſe, till he came over the accompting houſe; he then made this rope faſt, ſo as to let him down into the accompting-houſe; he then broke the glaſs in the accompting-houſe, to unbolt the door of another accompting-houſe; he then got through the window from the accompting-houſe into the ſhop; he then went behind the counter, and attempted to break open the till, but without effect; he then broke off part of the flap of a deſk, which I ſaw upon the counter, when I came down, and took twenty-three papers of halfpence; I aſked him if he had taken any thing elſe, and he ſaid, no, excepting the bag; he told me, he then took the ladder out of the ſhop, and got on to the accompting-houſe again; I aſked him what he had done with the rope, he ſaid, he took it with him over the wall, and threw it down a neceſſary, where it was found according to his deſcription.

JOHN WATTS *ſworn.*—I am a watchman; on the 29th of December, in the morning about two o'clock, I apprehended the priſoner in Aldgate High-ſtreet, with a bag upon his ſhoulder, I took him and the bag to the watch-houſe; the bag is in the poſſeſſion of the officer.

WILLIAM BOXER *ſworn.*—I was conſtable of the night, *(produces a bag;)* I received it from the laſt witneſs, it contains bad halfpence.

Q. (To Palmer.) Look at that bag?—*A.* I am certain this is my maſter's bag, it contains halfpence and farthings.

The priſoner called five witneſſes, who gave him a good character.

GUILTY of ſtealing, to the value of 39s. but not of breaking and entering the dwelling-houſe.

Tranſported for ſeven years.

Tried by the London Jury, before Mr. RECORDER.

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94. JAMES AKERMAN was indicted for feloniouſly ſtealing, on the 28th of December, a leather pocket-book, value 3s. 6d. the property of John Murray.

JOHN MURRAY *ſworn.*—I am maſter of the Blazer Gun brig, at Woolwich; I was walking, on Thurſday the 28th of December, from Somerſet-houſe, where I had been tranſacting ſome buſineſs, at the Navy office, and I had got as far as Temple-bar, when I felt a hand in my pocket, and inſtantly clapping my hand to my pocket, found my pocket-book gone; I ſaw the priſoner at the bar at my elbow, and taxed him with the theft, he denied it with the utmoſt coolneſs; I clapped my hand to his coat pocket, and found nothing that could give me a ſuſpicion that it was there; a gentleman now in Court, Mr. John Dawſon, was paſſing by at the time, and while I was in converſation with him, a coachman called to me, and in conſequence of what he told me, I ran up to the priſoner, and took the pocket-book out of his poſſeſſion, he had a ſtick in one hand, and the pocket-book under his coat, on his left-ſide, with his arm cloſe to his body; I took it out, in the preſence, I ſuppoſe, of 100 people, it was the ſame book that was in my pocket, *(producing it;)* there were a vaſt number of letters in it, directed to myſelf, and a variety of other papers, by which I know it to be mine.

Croſs-examined by Mr. Knowlys. Q. Upon ſearching his coat pocket, you found nothing to juſtify your ſuſpicion?—*A.* No.

Q. During the ſhort converſation you had with Dawſon, you loſt ſight of him?—*A.* No; I kept ſight of him the whole time.

Q. When you went up to him the ſecond time, did he not ſay, now, ſir, I have it?—*A.* No, he did not; I took it from him before he could have time to ſay a ſingle word; after I had taken it from him, he ſaid ſo.

Q. You ſeized him ſo inſtantaneouſly, that he had no time to ſpeak?—*A.* Yes.

Q. Did he not tell you he had picked it up?—*A.* Yes, after I had taken it from him.

Court. Q. Is the coachman here?—*A.* No, he is not.

JOHN

JOHN DAWSON *ſworn.*—I live with my brother, who is a ſhip and inſurance broker; on Thurſday the 28th of December, between one and two o'clock, I was coming from Somerſet houſe, into the city; a little on this ſide of Temple-bar, the proſecutor laid his hand on my arm, I never ſaw him before, and aſked me, if I thought the priſoner had picked his pocket; I told him it was impoſſible for me to ſay; at that moment, a coachman in livery came up, and I aſſiſted the proſecutor in ſeizing the priſoner; we found a pocket-book in the inſide of his coat, that is all I know of it, the proſecutor ſaid it was his.

Mr. Knowlys. *Q.* He ſaid he had picked it up, after the proſecutor had firſt taxed him with it?—*A.* Yes.

Priſoner's defence. On the 28th of December, I had been to ſee my mother, who lives in Edward-ſtreet, Soho, from thence I went to the Strand; I was going to ſee John Owen, a ſervant of my late father's, who is extremely ill, and for whom I have a great reſpect; as I was going under Temple-bar, I was there accoſted by Mr. Murray, who ſaid, have you got my pocket-book? I inſtantly replied, no, I am not a man of that deſcription; I had my cane in my right-hand, and nothing in my left-hand; Mr. Murray took my coat, opened it, and looked inſide, but found nothing, he ſeemed confuſed, and going along between Mr. Child's, the banker's, and Temple-lane, I picked up the pocket-book, before I could turn round to ſhew it, or offer it, to Mr. Murray, I was ſeized inſtantaneouſly, ſo much ſo, that I had the book forced up againſt me in the manner Mr. Murray has deſcribed; he ſaid, you have got my pocket-book, I ſaid, yes, I have, I have picked it up; Mr. Murray would not have gone any further in it, but Mr. Dawſon would have me taken to Bow-ſtreet; going along in the coach, he ſaid, we ſhall ſoon do his buſineſs for him.

Q. (To Murray.) Did you ſee the priſoner ſtoop at any time?—*A.* I did not.

Q. (To Dawſon.) Did you ſee him ſtoop?—*A.* I did not, he was out of my ſight.

Jury. (To Murray.) *Q.* The priſoner ſays, you opened his coat?—*A.* I ſolemnly proteſt, I did not touch his coat above the pockets.

Priſoner. *Q.* Did you not turn your back to go through Temple-bar?—*A.* No; I went ſideways, and kept ſight of you all the time.

The priſoner called ſeven witneſſes, who had known him from three to twenty years, and gave him an excellent character.

GUILTY (Aged 28.)

Tranſported for ſeven years.

Tried by the London Jury, before
Mr. RECORDER.

95. ANN MORETON was indicted for feloniouſly ſtealing, on the 2d of January, 40 yards of muſlin, the property of Robert Harvey, privately in his ſhop.

ROBERT HARVEY *ſworn.*—I am a linen-draper, in Oxford-ſtreet: On the 2d of January, between four and five in the afternoon, I ſaw the priſoner going out of the ſhop, when ſhe had got to the door, I ſaw one of my young men take hold of her, and bring her back; I deſired him to take her up into the drawing-room and ſearch her; there is a door at the bottom of the ſtairs that goes into the houſe-paſſage; when ſhe had got one foot in that paſſage, I ſaw my young man pick up two quantities of muſlin; I went up ſtairs into the drawing-room with her, and while I was ſending for a conſtable, I ſaw her drop a quantity of muſlins, which I picked up; the conſtable ſearched her, and I ſaw him take two quantities of muſlin out of her pockets; ſhe was immediately taken into cuſtody.

Mr. Knapp. *Q.* Have you any partner in your buſineſs?—*A.* No.

NICHOLAS FICHUE *ſworn.*—I am ſhopman to Mr. Robert Harvey: Between four and five o'clock, on the 2d of January, the priſoner at the bar came into the ſhop with a young man, and aſked me for two ſquares of muſlin for cravats, I ſhewed her them; the priſoner had the ſame cloak on that ſhe has now, with a white ſhawl under it, and by the motion of her arms, I had a ſuſpicion of her; ſhe bought two ſquares of muſlin, and the young man gave me 15s.; when the priſoner went away, I went after her, and juſt as ſhe was going out at the door, about forty feet from the counter, I told Mr. Harvey, in the hearing of the priſoner, that I had a ſuſpicion of her; he deſired me to take her up ſtairs into the drawing-room, and juſt as ſhe was going upon the firſt ſtep that ſeparates the ſhop from the houſe, I ſaw her drop two pieces of muſlin from under her cloak; as we were going up ſtairs, I ſaw another piece, a ſmall quantity, drop from her clothes behind her; and in the drawing-room, ſhe dropped the piece mentioned by Mr. Harvey; ſhe had her hand under her cloak, or ſomewhere behind her, I cannot ſay exactly.

Q. Then you ſaw four pieces drop?—*A.* Yes; and then the conſtable came and found upon her two pieces more, he took them out of her pocket; he has got them, I have got the reſt. *(Produces them).*

Q. What countryman are you?—*A.* A Frenchman.

Croſs-examined by Mr. Knapp. *Q.* You are ſure that you obſerved the motion of the priſoner at the time that you ſuſpected her?—

Court. There is an end of the capital charge.

Mr. Knapp. Then I am ſatisfied, my Lord.

Moreland,

Moreland, the conſtable, produced the two parcels of muſlin which he took from the priſoner.

Harvey. Theſe pieces have my private mark upon them.

Fichue. I can ſwear that I ſhewed her theſe goods; I had juſt ſold a piece of them to another cuſtomer.

Priſoner's defence. I take in waſhing; and the young man that was with me, kept loading the muſlin upon me, and I was ſo terrified, I did not know what to do; I have two fatherleſs children; I beg the mercy of the Court.

The priſoner called John Field, who had known her between four and five years, who gave her a good character.

GUILTY of ſtealing the goods, but not privately in the ſhop. (Aged 52).

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury, before Mr. RECORDER.

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96. JAMES WARING was indicted for breaking and entering the dwel ing-houſe of Thomas Halford, about the hour of ſix in the night of the 20th of December, and burglarioufly ſtealing ſix yards of calico, value 5s. the propert y of the ſaid Thomas.

THOMAS HALFORD *ſworn.*—I am a haberdaſher, in the City-road: On Wedneſday, the 20th of December, between five and ſix in the evening, I was at dinner in the back parlour behind the ſhop, there was a candle on the ſhop counter, and one in the window; my ſon went into the ſhop, and holloaed out, thieves! I went after him, I ſaw the priſoner walking through the mud acroſs to Cox's brewhouſe, there was another man with him; I apprehended him, and brought him back; I left him in the cuſtody of my wife and a neighbour, and went after the other man, and he dropped the calico; when I charged the priſoner with it, he denied it.

THOMAS HALFORD, junior, *called.*—*Q.* How old are you?—*A.* Thirteen.

Q. Do you know what will become of wicked men, who do not ſpeak the truth, after they are dead?—*A.* Yes; they go to Hell. *(He is ſworn).* I went into the ſhop, and ſaw a man's hand come through the glaſs, I did not hear the glaſs break; I ſaw it whole about ten minutes before, I am ſure it was not broke then, becauſe there were ſome flannels in the window that I had moved further from the glaſs; I holloaed out, thieves! and ran out at the door, I ſaw Waring and another man ſtanding cloſe to the window, my coat bruſhed his as I was running out at the door; Waring run as far as Tabernacle-row, about ten yards, and then he and his companion made a full ſtop; Waring run into the road, and I after him; my father then came out, and I ſaid, that is one of the men, and I would purſue the other; my father got Waring by the collar; I then ſaw his companion ſtanding in the middle of the road; I went up to him, and he ſaid, my boy, I will ſhew you where the people are gone; he ſaid, they were gone down the road; I ſaid, no, they went up the road; I came with him juſt by our door, then he tried to run away, and I caught him by the collar; he made a blow at me, I ſlipped on one ſide, and he threw the piece of calico away; I picked it up.

Q. Were there any body ſtanding near beſides thoſe two men?—*A.* No.

Q. Is it a much frequented ſtreet?—*A.* No, not at that time in the evening.

Q. Was it dark or light at that time?—*A.* It was rather dark.

Q. Do you think it was ſo light, that if there had been no lamps, you could have diſcovered the features of a man's face?—*A.* Yes. The other man then got away. *(Produces the calico).*

Proſecutor. It has my private mark upon it, it is my property.

JOHN WRAY *ſworn.*—I am one of the officers belonging to Worſhip-ſtreet: I was ſent for to apprehend the priſoner; I examined his hand, and the back of his right hand was bloody.

Priſoner's defence. I am a drover; I work in Smithfield: My maſter, Mr. Blackitt, had loſt a ſheep, it was ſuppoſed to have gone to Whitechapel in a drove; and I went into Old-ſtreet, in my way back, to get a pair of ſhoes; and in the City-road, I heard a cry of ſtop thief; I was picking my way acroſs the road when I was taken.

GUILTY of ſtealing the goods, but not of the burglary. (Aged 18).

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury, before Mr. Juſtice HEATH.

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97. WILLIAM BUSHNELL was indicted for feloniouſly ſtealing, on the 10th of December, a kerſeymere waiſtcoat, value 2s. the property of John Glyn, and a pair of men's leather ſhoes, value 2s. the property of John Lyon.

JOHN GLYN *ſworn.*—I live with John Berridge, as oſtler, at the George-yard, Whitcomb-ſtreet: I loſt a kerſeymere waiſtcoat, on Saturday night, the 9th of December, from the ſtables; I had ſeen it there at ſix o'clock that afternoon, it was hanging over a nail in the ſtable: On Sunday night, the 10th, between ten and eleven o'clock, I found the priſoner in the hay-loft of our ſtables, lying concealed behind a truſs of hay, with my waiſtcoat on.

Q. Had he any buſineſs in your ſtables?—*A.* No. I had been robbed of a great many things, and I went to ſearch the premiſes; the conſtable took the waiſtcoat from him; his name is William Ide, he has got it.

JOHN

JOHN LYON *ſworn.*—I am a coachman: On the Friday night, I loſt a pair of ſhoes from the ſtables; when I came there, on Saturday morning, they were gone; I had cleaned them on the Friday night, and hung them up by the ſide of the bin, upon a ſhelf; I ſaw them again on the Monday morning, at the watch-houſe of St. Martin's; I knew they were mine.

WILLIAM IDE *ſworn.*—On Saturday night, I ſat as conſtable of the night; the priſoner was brought to me between ten and eleven o'clock, as near as I can gueſs, upon ſuſpicion of having robbed the ſtables; I ſearched him, and found this waiſtcoat upon his body, and this pair of ſhoes on his feet, *(produces them)*; Glyn ſpoke to the waiſtcoat immediately, and the coachman came forward on Monday morning and claimed the ſhoes; I have had them ever ſince.

(The waiſtcoat was depoſed to by Glyn, and the ſhoes by Lyon).

Priſoner's defence. I bought the ſhoes and the jacket of a man in a public-houſe where I breakfaſted, the Stanhope-arms, in Panton-ſtreet.

GUILTY (Aged 16.)

Confined twelve months in the Houſe of Correction, publicly whipped, and diſcharged.

Tried by the firſt Middleſex Jury, before Mr. RECORDER.

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98. MARY FOSTER was indicted for feloniouſly ſtealing, on the 19th of December, five cotton gowns, value 3l. four muſlin handkerchiefs, value 4s. a muſlin petticoat, value 4s. two ſtuff petticoats, value 6d. two dimity petticoats, value 2s. three pair of cotton ſtockings, value 4s. a pair of dimity pockets, value 12d. a pair of ticking pockets, value 6d. two muſlin aprons, value 4s. two checked aprons, value 2s. a linen ſhift, value 12d. a pair of Spaniſh leather ſhoes, value 4s. three muſlin caps, value 3s. a linen cap, value 6d. a piece of calico, containing two yards, value 2s. a ſilver box, value 2s. a pair of ribbed gloves with ſilver claſps, value 6d. two ſmall pieces of velvet, value 12d. three ſmall pieces of linen, value 6d. two paintings in gilt frames, value 12d. a leather pocket-book, value 6d. a half-guinea, and two ſhillings, the property of Sarah Lamb, ſpinſter, in the dwelling-houſe of William Kelſey.

SARAH LAMB *ſworn.*—I am a ſingle woman, I lodge at No. 13, Leather-lane, in the dwelling-houſe of Mr. Kelſey, a taylor, he is the landlord: On the 19th of laſt month, I went out about nine o'clock in the morning, the priſoner went out before me, ſhe was a lodger in the ſame room with me, ſhe ſaid ſhe was going to ſee the proceſſion to St. Paul's; I returned about twelve the ſame day, and ſaw the ſhadow of ſomebody, under the door, walking acroſs my room; on going up to the door I found that ſomebody had placed themſelves againſt it, I ſpoke, but no one anſwered; then I forced my way in, and found the priſoner in the room, alone, and my clothes upon the floor in a handkerchief of her own; I had left them in two boxes, which were locked, I found both the locks broke; ſhe pleaded pardon when ſhe ſaw me; I ſent for a conſtable, and had her taken up.

Croſs-examined by Mr. Knowlys. Q. The priſoner lodged in this houſe before you?—*A.* Yes; I had been there about a week.

Q. There was another perſon beſides her, I believe, that lodged in that room?—*A.* Yes, the woman that kept the room; and ſhe let a part of it to me, and a part to the priſoner; her name is Sarah Sharpleſs.

Q. Therefore you had no communication with the landlord, but with Mrs. Sharpleſs?—*A.* No.

Q. You don't know, of your own knowledge, that his name is William?—*A.* Yes, I aſked him the day I went to prefer the bill; I aſked him on purpoſe.

Q. You had each of you a key of this room?—*A.* No; I had put the key in an adjoining cloſet; we always put it there for one another.

Q. The priſoner was a ſervant out of place?—*A.* That I know nothing about; ſhe ſtiled herſelf a married woman.

—— JACKSON *ſworn.*—I am a ſilverſmith: On Tueſday, the 19th of December laſt, I went to the room about eight o'clock in the morning, the priſoner was then in the room, ſhe told me ſhe was going to ſee the proceſſion; I went to the room to go with Sarah Lamb to ſee the proceſſion; the priſoner told me ſhe had not been at home all night, ſhe ſlept at a friend's houſe at the other end of the town; I left word with the priſoner that I ſhould return again about nine, when I returned the priſoner was gone out; we went out and returned about twelve, and there being a vacancy at the bottom of the door, we ſaw ſomebody come and place themſelves againſt the door; the proſecutor ſpoke, but ſhe made no anſwer, then the proſecutor forced her way into the room; the priſoner pleaded poverty; her clothes laid upon a handkerchief in the middle of the room, and the boxes were both broke open; there was a piece broke out of one of them juſt by the lock, the other had the ſtaple broke off the haſp; an officer was ſent for, and the priſoner apprehended.

Q. Do you know the landlord's name?—*A.* Yes; he told me his name was William Kelſey.

Q. You never ſaw any writing of his, or any thing of that ſort?—*A.* No.

ISAAC CLARKE *ſworn.*—I am an officer, I was ſent for to apprehend the priſoner: I found the property

property lying about the room; I have had it ever ſince. *(Produces it).*

Court. (To Lamb.) Q. Do you follow any buſineſs?—*A.* At preſent I am a ſervant out of place. *(The property depoſed to by the proſecutrix).*

Priſoner's defence. There were other people lodged in the room.

GUILTY (Aged 44.)

Of ſtealing goods to the value of 39s.

Confined two years in the Houſe of Correction, and fined 1s.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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99. ELIZABETH CUSSICK was indicted for feloniouſly ſtealing, on the 20th of December, a cotton gown, value 5s. and two linen ſhirts, value 7s. the property of John Birch.

JOHN BIRCH *ſworn.*—I keep a houſe in Shepherds-market, May-fair: On Tueſday the 19th of December, my wife and I went out about three o'clock in the afternoon; before I went out, I faſtened up the kitchen where there was ſome linen; the houſe is full of lodgers, the priſoner was a lodger with us; the next morning, between eight and nine o'clock, our people were going to waſhing, I miſſed one of my wife's gowns; I did not miſs the ſhirts till I came to the pawnbroker's, about half paſt ten; we had loſt ſeveral things before this, and I was going to take out a ſearch-warrant in conſequence of ſome information; the pawnbroker lives in Chandler-ſtreet, Groſvenor-ſquare, his name is Mulcaſter, I found the gown there, of which this is the pattern, *(producing a piece)*; I have found two ſhirts, marked with my own name, they are here.

Croſs-examined by Mr. Knowlys. Q. Is your wife here?—*A.* No.

Q. Do you mean to tell the Jury that you take an account of your wife's gowns?—*A.* No.

Q. Your wife is not in ill health, I hope?—*A.* Yes, ſhe is.

Q. If you did not take an account of your wife's gowns, how ſhould you have miſſed them, unleſs from what your wife told you?—*A.* No.

Q. Neither did you take an account of the linen yourſelf?—*A.* No.

Q. Your wife might have given any body leave to pawn theſe things for any thing you know?—*A.* I hope not.

JAMES GEARE *ſworn.*—I am a pawnbroker, No. 30, John-ſtreet, Groſvenor-ſquare: On the 20th of December, the priſoner came to our houſe to pledge a gown and two ſhirts, with another perſon, in our ſhop, which I ſaw taken in; they were taken in, in the name of Cuſſick, the gown for five ſhillings, and the ſhirts for ſeven ſhillings and ſixpence; I am ſure ſhe is the woman.

Croſs-examined by Mr. Knowlys. Q. The pledge you took in you examined?—*A.* Yes.

Q. They were pledged in the proper name of this woman?—*A.* Yes, in her own name.

Q. The ſhirts were not taken in by you?—*A.* No.

Q. Therefore, of courſe, you did not examine them?—*A.* I did not.

Q. Is that other perſon here?—*A.* No, he is not.

Q. You find it a very common thing for one perſon, living in a houſe, pledging articles for another?—*A.* Yes, very often.

EDWARD TREADWAY *ſworn.*—I am a conſtable: On Thurſday the 21ſt of December, I went with the proſecutor to his houſe, and took the priſoner in a two pair of ſtairs room; I took her directly into cuſtody, and went with her to the pawnbroker in Chandler-ſtreet, Groſvenor-ſquare, and got the gown; and when we were getting out of the coach at Bow-ſtreet, I perceived ſomething in her hand, and it was a duplicate of the two ſhirts for ſeven ſhillings and ſixpence, *(produces the duplicate)*; they are in the name of Elizabeth Cuſſick.

Croſs-examined by Mr. Knowlys. Q. That is her real name?—*A.* Yes.

Q. Her huſband lodges in the ſame houſe with her?—*A.* Yes. *(The property produced).*

Birch. I am ſure this is my wife's gown by its being new ſleeved; the ſhirts I can ſwear to from the mark, one is marked No. 1, and the other No. 3; they are marked by my wife in blue thread.

Q. Can you ſafely ſwear to their being your ſhirts from thoſe marks?—*A.* I think I can.

Mr. Knowlys. This is the firſt time I ever knew a man called to prove his wife's gown, or his wife's mark—Upon your oath, where is your wife?—*A.* At home.

Q. Has ſhe not been very intimate with the priſoner?—*A.* Yes.

Q. Will you ſwear your wife never gave her authority to pawn them?—*A.* I think I could.

Q. I beg you to give me ſome reaſon why your wife is not here?—*A.* There are only two of us to look after the ſhop.

Q. And therefore ſhe, who is the beſt calculated to judge of theſe things, ſtays away; and you, who are the beſt calculated to attend the ſhop, are here; what buſineſs is your's?—*A.* In the tobacco way.

Q. Is it not the more uſual way for you to take care of the tobacco buſineſs, and your wife of the houſehold buſineſs?—*A.* Yes; I aſked the officer if there was any occaſion for her coming, and he ſaid, there was none in the leaſt.

Q. Who made that gown of your wife's, your wife herſelf?—*A.* I do not think ſhe did.

Q. Upon your oath, did the officer give you that

that advice?—*A.* I aſked the queſtion during the buſineſs, and he ſaid, he did not ſee occaſion.

Q. Did you aſk that officer, Treadway, that queſtion?—*A.* Yes, I did, in the courſe of the week, whether there was any occaſion for Mrs. Birch to attend, and he ſaid, he did not ſee any in particular.

Q. You did not mark theſe ſhirts?—*A.* No.

Q. You did not wear that gown of courſe?—*A.* No.

Q. Then what is it that ſhould ſend you here, in preference to your wife?—*A.* Becauſe, when I went to Bow-ſtreet, I was bound over to proſecute.

Q. Upon your oath, have not you heard it ſaid, that your wife gave her authority to pledge them?—*A.* Yes, with you.

Q. You never heard that ſuggeſted?—*A.* No.

Q. You never aſked your wife that queſtion?—*A.* No; I had no reaſon to aſk her.

The priſoner did not ſay any thing in her defence.

Mr. Knowlys. (To Treadway.) *Q.* Upon your oath, did this man ever conſult you upon the propriety of calling his wife here as a witneſs?—*A.* No, he never did; his wife was not at Bow-ſtreet.

Court. *Q.* Have you any recollection whether you ever ſaid to him any thing about the neceſſity of his wife coming?—*A.* I have not, no ſuch word ever paſſed.

Q. And you know he has ſworn it, now will you ſwear that what he has ſaid, is falſe?—*A.* I will; I know him very well, and I knew his father to be a man of property and character, before he was born.

Court. (To Birch.) *Q.* Was it Treadway, or Mumford that ſaid it?—*A.* It was ſaid in the courſe of one day ſince I have been attending the Old Bailey; I was ſaying, I did not know whether it was neceſſary my wife ſhould be here, and one of them ſaid, there is no occaſion.

The priſoner called two witneſſes, who gave her a good character.

GUILTY (Aged 33).

Confined ſix months in the Houſe of Correction, and fined 1s.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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100. JAMES DAY was indicted for feloniouſly ſtealing, on the 15th of December, a pannel ſaw, value 4s. a plow plane, value 6s. a ſaſh filaſter, value 4s. a moulding filaſter, value 4s. a bead plane, value 12d. a rabbit plane, value 6d. and two ſmall rounding planes, value 12d. the property of George Judge.

GEORGE JUDGE *ſworn.*—I am a carpenter, I work taſk work; on the 15th of December I loſt my tools from a houſe I am finiſhing in Brunſwick-ſquare, near the Foundling-hoſpital, on Friday the 15th of December, about the middle of the day; I ſaw them again next day, at Marlborough-ſtreet, I knew them to be mine; the priſoner had been at work in the ſame houſe about nine days before; Romley the watch-houſe-keeper has got them.

VALENTINE ROMLEY *ſworn.*—I am a watch-houſe-keeper of St. Giles's; two patrols brought the priſoner to me at the watch-houſe, as a ſuſpicious perſon, on the 15th of December, Friday night, a little before eight, there was a bag of tools brought in with them; I ſearched the priſoner, and found three planes in his pocket, with the aſſiſtance of the patrol, and they were ſworn to the next day.

TIMOTHY PENDEGRAST *ſworn.*—I am a patrol of St. Giles's pariſh; on Friday the 15th of December, about a quarter before eight, my partner and I were ſtanding at the corner of Compton-ſtreet, oppoſite St. Giles's-church, and we ſaw the priſoner at the bar, and another man, with ſome carpenter's tools in their cuſtody, and we thought fit to apprehend him; there were ſome in a bag, the priſoner had three planes in his pocket, and two ſaws in his hand, one belonging to the proſecutor, and one to another man; the other man had a bag, and he made his eſcape, he ran away and left the bag behind him; we took the priſoner to the watch-houſe, with the three planes and the two ſaws.

WILLIAM BURN *ſworn.*—I was in company with Pendegraſt, I know no more of it than he does; the two men both took us to a pawnbroker, to give them a character, that we might not take them to the watch-houſe, there were ſeven planes in the bag; we took the planes to Marlborough-ſtreet, and the watch-houſe-keeper has had them ever ſince. *(Romley produced the property which was depoſed to by Judge.)*

Priſoner's defence. The young man that was with me, told me, he would give me a pot of beer to help him to carry theſe tools, and in Compton-ſtreet theſe watchmen ſtopped us.

The priſoner called two witneſſes, who gave him a good character.

GUILTY (Aged 15.)

Confined ſix months in the Houſe of Correction, publicly whipped and diſcharged.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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101. THOMAS HALL, WILLIAM JONES, and WILLIAM HIBBERT, were indicted, the two firſt, for feloniouſly ſtealing, on the 26th of October, eight coach glaſſes, value 7l. the property of Thomas Cloud; and Hibbert for receiving the ſame, knowing them to have been ſtolen.

THOMAS

THOMAS CLOUD *ſworn*.—I am a ſmith, farrier, and coach-maſter, at Hammerſmith, I keep the Leaping-bar yard; on the 25th, or 26th of October, I loſt three pair of coach-glaſſes, and one pair of chariot glaſſes, including in the whole, eight glaſſes, out of the yard, they had been taken from the coaches and chariots, with the frames altogether; the two coaches were in a lock-up coach-houſe, but I am not certain that the door was locked at that time, and the coach and chariot ſtood in an open ſhed; the chariot makes a chaiſe occaſionally, the box takes of, the coaches had been all out that day, and had juſt come in; I miſſed the glaſſes the next morning at ſix o'clock, I did not ſee them again for five or ſix weeks afterwards; I found them in the poſſeſſion of a Mr. Engliſh, in Broad-ſtreet, Carnaby-market.

THOMAS WHEELER (the accomplice) *ſworn*.—I am oſtler to Mr. Cloud; I left him laſt Whit-Monday.

Q. How long were you oſtler to him?—*A.* I cannot ſay.

Q. Where did you go to after you had left him?—*A.* To live with my mother, at the Leaping-bar, at Hammerſmith.

Q. How long have you lived with your mother there?—*A.* Ever ſince ſhe has lived there. One night, Hall and I, and Jones, were drinking at the Goat in Boots, at Chelſea, about eight or nine weeks ago; about three o'clock in the morning, we went to the Leaping-bar yard to take Mr. Cloud's glaſſes—

Q. Who propoſed going there?—*A.* We all knew of it.

Q. But who firſt ſuggeſted it?—*A.* I did. When we got there the gates were open, we all three went into the yard, and then into the coach-houſes; one went to one coach, and another to another; we were all three employed in taking out the glaſſes; we took away eight of them; Hall and Jones took them to Walham-green, and I went up ſtairs to bed; the Monday following, Jones told me, that they took them to William Hibbert's.

Q. When was it you took them?—*A.* On the Friday or Saturday; I never ſaw them at Hibbert's, Jones ſaid, he ſhould keep them there till he could ſell them.

Croſs-examined by Mr. Knapp. (Counſel for Jones).

Q. You were the ſervant, you knew theſe premiſes perfectly well, and was the firſt to propoſe this ſcheme?—*A.* Yes.

THOMAS WILSON *ſworn*.—I know the priſoner, Jones; I met with him at the White-horſe, between Kenſington and Hammerſmith, about the 26th or 27th of October, it was on a Monday; while I was ſtanding there, Jones had got ſome ale, he aſked me, if I would drink with him; I ſaid, I would drink with him, if it was water; I drank ſome ale; we ſtopped there two or three hours, and had ſeveral pot and pints of beer together; we might drink three or four pots and pints, there were other people drinking with us; we had no converſation concerning any thing of this till after we came out of the houſe; as we were going along Fulham, he mentioned to me, that Bill Hibbert had got ſome glaſſes to ſell; I knew Hibbert, becauſe I worked about there; I aſked him, what kind of glaſſes; he ſaid, plate glaſſes, that there were eight of them; I aſked him, what ſize they were; he told me, they were very large ones; and I went to ſee them; Hibbert went up ſtairs to a cloſet, and brought them out one by one, and I meaſured them; he aſked me, if I knew any perſon that would buy them; I told him, I did not know whether my maſter would not buy them, being a painter and glazier.

Q. What was Hibbert?—*A.* A ſadler and harneſs-maker; my maſter's name is James South; I told him, if he did not buy them, Mr. Samuel South, being a broker, might; with that, Hibbert, Jones, and I, went down to the Golden lion, at Fulham; when we came there, we had ſome porter; I went to my maſter's, he was not at home; I immediately returned back, and told them; when I told them he was not at home, Hibbert wanted me to go to Samuel South; I went to Samuel South, and told him of it; I gave him the dimenſions of the glaſſes; he came there, and Hibbert aſked him four guineas for them; he ſaid, he could not think of giving that money, for he was ſure he ſhould get nothing by them if he bought them; he immediately offered three guineas for them; and they ſaid they could not think of letting them go for that money; then we went into a public-houſe, and South went away; this converſation was at the door, out in the ſtreet, by the gate.

Q. Was Jones there all this time?—*A.* I cannot poſitively ſay that he was; he was backwards and forwards; after he was gone, Jones and Hibbert were talking about it; Hibbert ſaid to Jones, we might as well let them go; and then Hibbert deſired me to tell Samuel South he ſhould have them; I went over to his mother's, and he was in the parlour, I called him out, and told him what they ſaid, and South came over to the gateway, and told him, he would have them; Hibbert ſaid to me, will you go and help me fetch them; and I agreed to go and help; I went with him; I brought four ſquares, and he brought four; we carried them to Mr. South's houſe; they were taken from the ſame cloſet that I had ſeen them in before; then Hibbert went to Jones, at the Golden lion, and South came in afterwards; when I was going through the paſſage, Hibbert and South were talking together,

ſtanding

ſtanding at the bar of the public-houſe; Hibbert had gone out, and met South there; I ſaw South pay Hibbert the money, he paid him two guineas, one ſhilling, and a pound-note; then we went into the tap-room and all drank together, porter, and gin and water; after ſome time, I went home to bed, and left Hibbert and Jones there; South went before me.

Q. What time of day was this?—*A.* It might be ſix or ſeven o'clock at night.

Croſs-examined by Mr. Knowlys. (Counſel for Hibbert). *Q.* You are ſervant to South, the glazier?—*A.* Yes.

Q. Have you much to do with plate-glaſs?—*A.* No; if we ſhould ever want ſuch a thing, we ſend to dealers in Town.

Q. You do not keep a ſtock by you?—*A* No.

Q. You ſaw that glaſs at Hibbert's?—*A.* Yes.

Q. Your maſter not being at home, you went to Samuel South, a broker?—*A.* Yes.

Q. Did you ever ſee any plate-glaſs in his ſhop beſides?—*A.* Yes; and have cut plate-glaſs for him ſeveral times.

Q. Perhaps the conſtable found it at South's?—*A.* No; he had ſold it to a perſon in Broad-ſtreet, Carnaby-market.

Q. What might you have for this?—*A.* I received one ſhilling for it.

Q. And I ſuppoſe paid no part of the ſhot?—*A.* Yes; there was 11½d. left for me the next morning.

Q. When did you give an account of this tranſaction?—*A.* The latter end of October or beginning of November, at Bow-ſtreet.

Q. Was Samuel South there too?—*A.* I beg pardon about giving an account at Bow-ſtreet, becauſe I cannot ſay when it was that I was at Bow-ſtreet.

Q. You can tell us whether it was a month or two months?—*A.* I think it is above a month.

Q. How long was it after theſe glaſſes were ſold, that you came up to Bow-ſtreet?—*A.* I cannot tell.

Q. Were you ever more than once at Bow ſtreet?—*A.* No.

Q. Then how long was it?—*A.* It might be three weeks or a month.

Q. Do you live now with South, the painter and glazier?—*A.* No.

Q. You have never ſaid, that your maſter deſired you to come forward to clear your maſter's brother's character?—*A.* No, he has not, never in his life.

Q. Have you never ſaid ſo?—*A.* I never ſaid ſo.

Q. Have you never ſaid, that your maſter told you, if you did not ſwear hard to clear his brother's character, he would diſcharge you from his ſervice?—*A.* No; I never did.

Q. Your maſter and you then have never had any converſation about coming forward in his brother's behalf?—*A.* No.

Q. Who attended firſt at Bow-ſtreet, you or Samuel South?—*A.* Samuel South.

Q. Was Hibbert in cuſtody, when you attended at Bow-ſtreet for the firſt time?—*A.* He was.

Q. Are you any judge of the value of plate-glaſs?—*A.* No, I am not.

Q. You have often been at South's ſhop?—*A.* Yes.

Q. Did you ever ſee any coach-glaſſes there before?—*A.* Never in my life to my knowledge.

Q. Are you ſure you did not take them all to Samuel South's houſe?—*A.* Yes, I am poſitive I did not take them; I took only four, and Hibbert four.

Court. *Q.* What buſineſs is Jones?—*A.* A taylor.

THOMAS PONEY *ſworn*.—I am a gardener, and keep the Golden lion, at Fulham: On a Monday evening, I cannot recollect when, I came home about five o'clock; I went to waſh my hands, and juſt after, ſomebody knocked for ſome beer in the tap-room; it might be ſix or ſeven weeks ago; I believe it was the Monday that the King went on board the yachts, to take water to go the Nore; I went in, and on the right hand ſat Hibbert, Jones, and Wilſon; they told me to fill the pot, which I did; they aſked me to drink, and I did; I went out of the tap-room, but ſaw nothing of any glaſſes; ſoon after, Wilſon went out, and brought in Samuel South; he ſtopped a little while, and then he went away again; ſome time after, Wilſon went and fetched him again, and they all went out; they came back again into the tap-room, all three, and ſat down to drink again, and ſtaid there till about a quarter after nine o'clock; I was in and out backwards and forwards, I was very little in the tap-room; Samuel South came to me, and aſked me to lend him two guineas and a half; I had not got it, I went to my wife, and got it of her; I came to the bar-door, there ſtood Mr. South; I put down two guineas in gold, and was going to put down ſome ſilver, and he ſaid, if you will lend me half a dozen ſhillings more, that will do, which made 2l. 8s.; he took the money in his hand, and I left him there; I ſaw no money paſs between them, nor heard no dealings.

Q. Did Hibbert go out of your houſe?—*A.* Yes; but how long I cannot ſay.

Q. Was Wilſon abſent at the ſame time?—*A.* Yes; and Jones remained in the tap-room.

SAMUEL SOUTH *ſworn*.—I am a broker at Fulham.

Q. Did you at any time meet with Hibbert and Jones, at Fulham?—*A.* Yes; the day the King ſet off for the Nore, Wilſon came to me, and I went with him, about ſix in the evening, to the Golden-lion door, there I ſaw Hibbert, he aſked me, if I would buy ſome coach-glaſſes, I aſked

him

him the ſizes of them, he ſaid, Wilſon had got the ſizes upon a piece of paper, which he had; I then went with him and Wilſon to my own houſe, which was next door; I looked at the ſizes of them, I aſked him, what he aſked for them; he aſked me four guineas for them; I told him, I thought four guineas too much, for I ſhould get nothing by them, if I ſold them; I offered him three guineas for them; he ſaid, he could not take it; he and Wilſon both went away together into the Golden-lion; he ſaid, he had taken them in trade, and could not take it, he had allowed more money for them; he and Wilſon went to the Golden-lion, and I went over to my mother's, which was oppoſite; in about a quarter of an hour, Wilſon came to me to tell me I ſhould have the glaſſes for three guineas; I came out at my mother's door with Wilſon, and Hibbert was over at the Golden-lion door; he told me I ſhould have them for three guineas, and he deſired Wilſon to go with him to help him bring them; Jones was then at the Golden-lion; they went for them, and in about a quarter of an hour they returned, or leſs; they had above a mile to go to fetch them; they brought the glaſſes, each of them brought four; we all went to the Golden-lion, I had nothing but a pound note in my pocket, and I aſked Mr. Poney to lend me two guineas and a half; he went to his wife, and brought me two guineas, was going to tell the ſilver down, and I told him ſix ſhillings would do; I went and called Hibbert, Wilſon came with him to the bar-door in the paſſage; I paid Hibbert two guineas, a pound note, and one ſhilling; I went in and drank with Hibbert, Jones, and Wilſon; the next morning, I had ſome buſineſs in Town, I packed them up, and brought them with me; I took them firſt to Mr. Knight's, in Compton-ſtreet, he was not at home, and I took them to Mr. Engliſh's, and ſold them to him for 3l. 8s.

Jury. (To Poney). Q. Was there any body elſe in the tap-room beſides theſe people?—*A.* Yes; thirteen or fourteen people; I had a great number of lodgers in the houſe, and moſt of them were at home.

South croſs-examined by Mr. Knowlys. Q. Can you give the Gentlemen of the Jury any reaſon why you called theſe people out of the tap-room to conclude your bargain?—*A.* Not to lay it before ſo many people. Mr. Poney was in the bar, but was called away.

Q. Why did you call theſe people out of the tap-room?—*A.* I was receiving the money from Mr. Poney, when Hibbert was coming out; I ſaid, here, you may as well take your money; he received it at the bar.

Q. Then he did not receive it in the paſſage?—*A.* Yes; the bar is in the paſſage.

Q. When did you give any account of theſe glaſſes?—*A.* As ſoon as I heard that he was taken up.

Q. Were you not ſent for by the officers of Bow-ſtreet?—*A.* No, I was not; I came voluntarily; I ſent word to Mr. Cloud, that I had had ſome coach-glaſſes through my hands.

Q. Did you ever ſay you had bought them cheap, and had bought them at a ſale?—*A.* I did not.

Q. You did not tell Mr. Engliſh ſo?—*A.* No, I did not.

Q. You did not know Jones had any thing to do with this buſineſs?—*A.* No.

Q. Jones was not preſent during any part of the converſation of what was to be given for the glaſſes?—*A.* Not to my knowledge.

Q. Was there any converſation paſſed about the glaſſes, while you were with Jones?—*A.* No; none, till after they were paid for.

Q. Do you deal in coach-glaſſes?—*A.* I deal in looking-glaſſes.

Q. Did you ever buy any coach-glaſſes before?—*A.* I have bought a poſt-chaiſe glaſs of a neighbour, which I took with me to Mr. Engliſh's, at the ſame time.

Court. Q. When was it you had firſt any knowledge that theſe glaſſes were ſtolen?—*A.* I heard that Hibbert was taken up for receiving coach-glaſſes, and Jones for ſtealing them; and I ſent the very ſame day that I heard of it, to Mr. Cloud, to let him know that ſome had gone through my hands, this was on the Saturday, and on the Sunday Mr. Cloud came to me.

Court. Q. Before you ſent to Mr. Cloud, had you been ſent for to give an account of theſe glaſſes?—*A.* No, I had not.

Q. Is it uſual for brokers to buy various kinds of articles that they can buy and ſell again, without confining themſelves to any thing particular?—*A.* Certainly.

THOMAS ENGLISH *ſworn.*—I am a looking-glaſs manufacturer: The latter end of October or beginning of November, I bought ſome coach-glaſſes of Mr. South, I cannot ſay the number, but I think it was 3l. 10s. I gave him for the whole; the glaſſes were put down in the ſhop; I had ſome carpenters at work, and they had been moved about from place to place in the ſhop, till Mr. Cloud called for them; I afterwards delivered them to him.

Q. Was 3l. 10s. a fair price for them?—*A.* Yes; I would not have given more for them, becauſe I am a manufacturer myſelf, and they wanted working over again. *(Seven of the glaſſes were produced).*

Croſs-examined by Mr. Knowlys. Q. Do you recollect the account that South gave you of where he had got them?—*A.* Yes; he came to my houſe, and brought them down in a box in a cart; I aſked him,

him, how did you come by them; ſays he, I am a broker, and bought them at a ſale.

Q. You thought that a very reaſonable thing, and you purchaſed them of courſe?—*A.* Yes; or I ſhould not have bought them.

Q. Were they with frames, or without frames?—*A.* Without frames.

Court. (To Wilſon.) *Q.* How were they when they where brought from Hibbert's, had they any frames upon them?—*A.* No frames.

Q. Had they no frames when you firſt ſearched them?—*A.* No.

Cloud. I have no doubt but theſe are my glaſſes, they every one fit the places that they came from.

Court. *Q.* But the frames are gone?—*A.* I have made an allowance for the frames, and they fit within a quarter of an inch, all of them.

Mr. Knowlys. You know that a quarter of an inch may make the difference between almoſt an hundred different glaſſes?—*A.* No; you might try half the coaches in London, and not find them fit.

Q. Do you mean to ſay you could have picked them out from others?—*A.* When I went into Mr. Engliſh's ſhop, I ſaid, theſe were the four.

Q. If they had been mixed with other glaſſes, ſhould you have known them again?—*A.* If they had been mixed with five hundred, I do not know that I ſhould.

JACOB COOKE *ſworn.*—I am a coach-maker: I have tried theſe glaſſes with Mr. Cloud's coaches, I made an allowance for all the frames, as we always do, and then he went and fetched theſe glaſſes, and they anſwered to the meaſures that I had put down; there was one that was a little bigger, but that might be owing to the difference of the frame.

Croſs-examined by Mr. Knowlys. *Q.* Did you ever meaſure thoſe frames which included theſe glaſſes?—*A.* No; I gueſſed at the breadth of them.

Q. A quarter of an inch in a plate makes a difference between, perhaps, an hundred different glaſſes?—*A.* Yes.

Court. *Q.* But making a frame of the uſual proper ſize, would a frame of the uſual ſize to theſe glaſſes, fit the coaches?—*A.* Yes.

Hall's defence. I have not any thing to ſay.

Jones left his defence to his Counſel.

Hibbert's defence. I am innocent of the crime; and I think they have contrived this matter among themſelves, to lay it upon me, to ſave themſelves; I am innocent of it, ſo help me God.

The priſoner Jones called ten, and Hibbert eleven witneſſes, who gave them a good character.

Hall, GUILTY (Aged 18.)
Jones, GUILTY (Aged 18.) } No ſentence paſſed.
Hibbert, GUILTY (Aged 36.)

Tranſported for fourteen years.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice LAWRENCE.

102. JAMES SMITH was indicted for feloniouſly ſtealing, on the 22d of December, a caſk containing nine gallons of ſmall beer, value 4s. the property of Edward Webb.

EDWARD WEBB *ſworn.*—I am a brewer: On Friday the 22d of December, about four o'clock, a Mr. Clarke came to me, and told me, he had taken a man, with a caſk of beer, to Hatton-garden; about ſix o'clock, I went with Mr. Clarke to Hatton-garden, there was my caſk-mark, which is a ſcratch-mark, and my brand mark upon it, the ſcratch-mark is W L; I know it to be one of my caſks.

THOMAS INGLESBY *ſworn.*—I am dray-man to Mr. Webb, I loſt a caſk of ſmall beer againſt Staples-Inn, Holborn: On the 22d of December, about a quarter paſt three in the afternoon, I was gone to a cuſtomer in Staples-Inn; I did not miſs the beer till I got home, which was about half paſt three, and then I miſſed a firkin; I ſaw it again at the office in Hatton-garden, there was a particular mark in chalk upon the caſk, it was for a particular cuſtomer, and I was not to leave it without they paid what was owing; the caſk was left with the officer, at the Hat and Ton.

JOHN LEAR *ſworn.*—I was a ſervant to Mr. Webb two years ago: On the 22d of December, I ſaw the priſoner with a firkin on his ſhoulder, coming down Vine-ſtreet, Hatton-garden, till he got to the corner of Onſlow-ſtreet, where, with the aſſiſtance of a man, he put it down; I went into Leather-lane, and there I met a Mr. Clarke, I told him what I had ſeen; I went back in about a quarter of an hour, and ſaw the caſk, as nearly as poſſible, in the place where he had put it down; when I ſaw it firſt, it was upon his lame ſhoulder, *(the priſoner had but one arm)*, and his other arm over it; I ſaw him again afterwards at the office; Mr. Clarke had had him locked up.

Priſoner. *Q.* Did you ſee me take it off the dray?—*A.* No.

GEORGE LONGDEN *ſworn.*—I am an officer belonging to the office in Hatton-garden, I was ſent for to take charge of the priſoner: I took him in cuſtody, and found the caſk upon the ground, at the corner of Onſlow ſtreet, I deſired the laſt witneſs to bring it to the office; it was taken from the office to the Hat and Ton, where we have a place on purpoſe to lock up things in, as there are no conveniencies at the office for keeping things there; I have had the key ever ſince.

Webb. This is my caſk, it has my mark upon it.

Ingleſby. This is the caſk I loſt, it was then full of beer.

Priſoner's defence. Coming paſt the corner of Hatton-garden, a porter, with two caſks, aſked me to aſſiſt him, by carrying one of them, and being a

poor

poor man, I was glad to accept of the job, he desired me to pitch it at the corner of Onslow-street, which I did, and was waiting for him to come up, when they took me; it is impossible I could have taken it myself from off the dray.

GUILTY (Aged 36.)

Confined twelve months in the House of Correction, fined 1s. and discharged.

Tried by the second Middlesex Jury before Mr. RECORDER.

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103. WILLIAM PAGE was indicted for feloniously stealing, on the 9th of January, four pieces of iron, containing 90lb. weight, value 5s. the property of John Lyney.

JOHN LYNEY *sworn*.—I am a smith; I lost some iron from my warehouse, the prisoner was in my employ, I know nothing of the loss.

ALMON HILL *sworn*.—I am a ship builder; I was walking over my premises, at Limehouse-hole, adjoining those of Mr Lyney, about six o'clock in the evening of this day week, I saw the prisoner coming from Mr. Lyney's shop, I walked up towards him, and he turned about to go another road; I immediately called out to him, who are you, he made me no answer, but quickened his pace; I followed him pretty close, and then he turned round, and said, I am one of the smiths belonging to Mr. Lyney's shop; when I got close to him, I took him by the collar, says I, what have you got under your arm, he said, chips, I told him, not being a ship-wright, he was not entitled to them, and desired him to put them down, he would not, I put my hand upon them, and found them to be iron; says I, you are a rascal, you have been robbing Mr. Liney's shop; he told me, for God's sake, to take no notice of it, it would be his ruin, and it was the first time he had done any thing of the sort; I told him, I should not overlook it, I took him to Mr. Lyney's accompting-house, and left him there in his charge.

Cross-examined by, Mr. Knapp. Q. Was he off Mr. Lyney's premises at this time?—*A.* Yes; he was on my premises, I suppose, about 100, or 150 feet from Mr. Lyney's premises.

—— LYNEY *sworn*.—I am the son of the prosecutor, I was sent for into the accompting-house, rather before six o'clock in the evening of this day week; Mr. Hill had got the prisoner by the collar, I looked at his feet, and saw four pieces of iron; I then sent for an officer, and he was taken to the office at Shadwell, two pieces were left with a runner, and two with the watchman, marked; there is one piece that I know to be my father's property, it is a piece that we had from the country, from Mr. Jessey, it is the same sort of iron that we had in our warehouse.

Cross-examined by Mr. Knapp. Q. You have more iron of the same manufacture in your warehouse?—*A.* Yes.

Q. And you cannot tell, I suppose, whether you had missed any or not?—*A.* No. *(The officer produced the property.)*

Prisoner's defence. I was going to pick up a bit of chip, as we are allowed to do, and I ran against this iron upon Mr. Hill's premises, and I was going to take it back again, when Mr. Hill stopped me.

The prisoner called David Quinn, who had known him near four years, and gave him a good character.

GUILTY (Aged 30.)

Confined six months in the House of Correction, and fined 1s.

Tried by the second Middlesex Jury, before Mr. RECORDER.

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104. GUNNER YARNBERRY was indicted for feloniously stealing, on the 8th of December, a calico shirt, value 5s. a nankeen jacket, value 2s. a cloth coat, value 6d. and a pair of nankeen breeches, value 3s. 6d. the property of John Winbury. *(The prisoner being a Swede, an interpreter was sworn.)*

JOHN WINBURY *sworn*.—I keep the White Swan, at Bell-Wharf; the prisoner lodged with me, I am a Swede myself, I frequently missed things, and I suspected him, my wife saw him go to a chest.

Q. Did you see him do any thing?—*A.* No.

AGNES WINBURY *sworn*.—On Friday evening, the 8th of December, between four and five o'clock in the afternoon, I was sitting in the bar, I observed the prisoner going from a chest at the foot of the stairs in the passage, I lost him instantly, I called my husband directly, I went up stairs, and on the stairs I found a pair of shirt sleeves, that had been in that chest, there were several other persons slept in the same room with him; in a chest in that room, I found a pair of blue pantaloons, and a pillow; I took them in my hand to bring them down, and met the prisoner at the door, I said to him, Gunner, what have you been about, and shewed him the things, and he said, "one man gave it to me;" he was taken before Justice Staples, and committed upon those things; there was another chest up two pair of stairs, that had been stripped entirely, that the articles in the indictment came out of; that chest, I believe to have been locked, I had the key in my desk; the next morning, after he was committed, I went to examine that chest, and there were forty-two articles of wearing-apparel all gone, they all belonged to two persons that are gone to sea, and who left them in my care;

among

among other things, I miſſed ſeveral calico ſhirts, two or three pair of nankeen breeches, and a cloth coat; I afterwards found, at a pawnbroker's ſhop, one or two jackets, and one pair of breeches.

Proſecutor. The priſoner was not committed for taking the things in the indictment, but he ſent for me that evening, he was in a lock-up room adjoining the office, he began to cry before I ſaid a word to him, he ſaid to me, in Swediſh, don't hurt me, and I will tell you of more things.

Q. Did you tell him it would be better for him if he confeſſed?—*A.* No, nothing of the kind; I ſaid, where ſhall I get them; he ſaid, go to Peggy, in Gravel-lane, and there you will find all the duplicates; I knew who he meant by Peggy, ſhe had been with him three or four times in the tap-room; the next morning, I got an officer, and went to ſearch Peggy's houſe; her name is Welby; I found nineteen duplicates upon her; I went to the pawnbrokers, and among others, found the things named in the indictment.

MARGARET WELBY *ſworn.*—I live at No. 5, Rodney's-row, Ratcliff-highway: I had the pleaſure of ſeeing the priſoner in company, about three or four weeks before he was taken up; the officer came to me with Mr. Winbury, and I gave him a great many duplicates; I had a coat, blue trowſers, nankeen breeches, and a ſhirt, from the priſoner; he deſired me to pawn them; he told me they were his own, that he got them from his own cheſt on board a ſhip, and I was to have the money.

(Three pawnbrokers produced the property, which was depoſed to by Mr. Winbury).

Jury. *Q.* When you have ſeen this woman come there with the priſoner, had ſhe any acceſs to the place where theſe things were taken from?—*A.* Not at all.

Priſoner's defence. (By the Interpreter). There was a Swede who gave me theſe articles to depoſit them in my cheſt, he having none of his own; when they had been in my poſſeſſion eight days, he aſked me if I would lend him ſeven ſhillings; I told him, I had not got ſo much money; afterwards, I lent him ſix ſhillings; and after that, Margaret Welby aſked me for ſome money, and I told her, I had not got any; I went to my lodging, and deſired the man that I had lent the money to, to let me have ſome back; he ſaid, he could not take up money from the floor; he ſaid, I might take his clothes, and give to the girl; I gave her the breeches, the jacket, and the waiſtcoat, and then ſhe aſked me for more money; he then put into my hands ſome more articles; after ſome more days, ſhe wanted more money; and I told her, I could get none till I had a ſhip; and then I ſpoke to the Swede again, and he told me, I might take the coat and the pantaloons, and a hat; which I gave to the girl.

Mrs. Winbury. The day that he was taken up, there was a Swede man ran away, and we made ſearch after him, but could not find him; he lodged at my houſe, and was an acquaintance of the priſoner's; he had been at our houſe two or three weeks.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. Baron THOMPSON.

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105. JOHN WHEELER and THOMAS HALL were indicted for breaking and entering the dwelling-houſe of Alexander Syme and Richard Dean, about the hour of one in the night of the 23d of November, and burglariouſly ſtealing, a linen ſhift, value 1s. three muſlin night-caps, value 1s. two muſlin neckcloths, value 2s. a flannel bed-gown, value 2s. a flannel petticoat, value 1s. and a muſlin handkerchief, value 1s. the property of the ſaid Alexander; two cotton counterpanes, value 15s. 36lb of cheeſe, value 15s. 15lb of beef, value 7s. 8lb of mutton, value 4s. 6lb of ſugar, value 6s. a carving-knife, value 6d. and three linen glaſs-cloths, value 6d. the property of the ſaid Alexander Syme and Richard Dean.

ALEXANDER SYME *ſworn.*—Richard Dean and myſelf keep the Star and Garter, at Kew-bridge; we both live in the houſe, it is in the pariſh of Ealing: On the 23d of November, I was the laſt up, I left the doors all ſecure, and the windows, between eleven and twelve o'clock; I was alarmed by a ringing at the bell, at ſix in the morning; Martha Nicholls was the firſt that got up; when I got up, I found the bottom of one of the ſhutters forcibly broke away; the bolt remained in the frame of the window, and part of the ſhutter remained at the head of the bolt; two of the ſhutters were taken down; there were two panes of glaſs broke, one of them was taken clear out; I miſſed a rump of beef, a loin of mutton, part of a neck of mutton, a loaf of double refined ſugar, weighing ſix pounds, a ſmall piece of buttock of beef dreſſed; the reſt that I have mentioned was all raw; a large knife, made on purpoſe for cutting a round of beef, three parts of a cheſhire cheeſe, and three glaſs-cloths; theſe things were jointly Mr. Dean's and mine; I had left them in the larder; and there were a quantity of wet things in a baſket, with a table-cloth over it, upon a chair in the laundry, but I do not know what its contents were; Martha Nicholls can identify them.

MARTHA NICHOLLS *ſworn.*—I was nurſe to Mrs. Syme; I was there after ſhe was dead to waſh the things up; when I went to bed, on the 23d of November, I had left in the laundry, two counterpanes, one table-cloth, two night-ſhifts, two neck-cloths, a neck-handkerchief, a flannel bed-gown, a flannel

flannel petticoat, and three night-caps; they were all Mr. Syme's, except the counterpanes and the table-cloth, and they were Mr. Syme's and Mr. Dean's; I got up the next morning, about half paſt ſix; a woman rung the bell, and told me the houſe was broke open.

Q. Was it then day-light?—*A.* No; I ſtruck a light.

Q. Should you have known any body without a candle?—*A.* If I had ſeen any body in the ſtreet, I might have known them; in the firſt place, I went to ſee for the man that ſlept in the houſe; I went into the larder, and there I miſſed the two counterpanes and the table-cloth; then I miſſed the beef, mutton, loaf of ſugar, and ſome cold buttock of beef; I found one of the ſhifts lying upon the floor, I had left it in the chair the night before; I miſſed two neckcloths, a muſlin neck-handkerchief, a bed-gown, a flannel petticoat, and three night-caps; I miſſed every thing that I had put into the baſket, except the ſhift and four knife-cloths; I went and called my maſter.

Q. Who was it that alarmed you?—*A.* Sarah Bolton going to work.

Q. Had you heard no noiſe in the courſe of the night till then?—*A.* No, not a ſyllable of noiſe; the ſhutters of the laundry were down, and the windows broke.

JOHN GURNEY *ſworn.*—I live at Old Brentford with my ſon-in-law, Charles Jenkins, he keeps the Little King's-arms: The two priſoners came in there, on the 24th, in the morning, about eight o'clock, and another man with them, Thomas Wheeler; I had been there the evening before, they left the houſe about half paſt nine, they had been drinking, I do not know what time they came in firſt; the next morning, they came in, and were talking of having ſome breakfaſt, one propoſed ſteaks, and another went out, but which, I cannot take upon me to ſwear, and brought in ſomething in a ſheet of brown paper; I aſked them, if they wanted the frying pan, and they ſaid, no, they had got a bit of cold beef; it was a piece of buttock of beef ready dreſſed, between two and three pounds of it; I ſaw nothing elſe, and I believe they brought nothing elſe in; I do not know exactly what time they went away.

THOMAS WHEELER *ſworn.* — The priſoner, John Wheeler, is my brother; Thomas Hall is a tinker, and did live at Hampſtead.

Q. What is your brother's buſineſs?—*A.* Sometimes he works in the brick-fields, and ſometimes looks after horſes. About ſeven or eight weeks ago, I think it was on a Friday, John Wheeler, and Thomas Hall, and I, were drinking at the Little King's arms, at Brentford, till about ten o'clock, then we walked about till about half paſt twelve or one o'clock, and then we went to Kew-bridge-houſe, Mr. Syme's, the Star and Garter, with a raſp and a ſoldering iron that Hall uſed in his buſineſs; we took down two of the ſhutters, Hall and I wrenched them out at the bottom.

Q. What did your brother do?—*A.* He ſtood by; Thomas Hall then broke a ſquare of glaſs, and took a rump of beef out at the window through the broken ſquare, and very nigh a whole cheeſe, and a loin of mutton, the beef was raw and the mutton too, and a piece of beef that was ready dreſſed, two ſmall apple-pies, and a bundle of things that we pulled out through the broken glaſs; Hall put his hand in, and reached at them; there were two counterpanes and a morning gown, a petticoat, a ſhift, and a table cloth, that is all that I know of that was in the bundle, except a carving knife, a braſs weight, and two or three ſmall neck handkerchiefs; I threw the knife and the weight away, and the reſt of the things we took to Mr. Skilſby's, and there was a piece of a ſugar-loaf; then we went to Hammerſmith, and ſlept in a coke oven all night; in the morning, we went to the Little King's-arms, we got there a little after ſeven o'clock, we ſtaid there till about eight o'clock, and then Wheeler and Hall went to Mr. Skilſby's again.

Q. What is Skilſby?—*A.* He keeps an old-cloaths ſhop; when they came back, they ſaid, Mr. Skilſby would not have any thing to do with them; they brought a piece of beef with them that was dreſt for breakfaſt, and we had that for breakfaſt; then we returned to Hammerſmith, and went to the World's-end, at Chelſea, and had ſome beer, then we went again to Hammerſmith, to John Groom's, to borrow his horſe, we all three went to the door, but Thomas Hall went in to borrow the horſe, to get the things away at night; I went home, and both of them told me afterwards, that they went that evening, and got them away; they ſaid, they had left the ſugar-loaf, and one of the counterpanes at Mr. Skilſby's, and the reſt of the things they brought away; they ſaid, they had left the loin of mutton, and rump of beef, at John Groom's, for the lend of his horſe, and for half-a-crown that he lent Thomas Hall on his watch.

Q. When was it he told you this?—*A.* The Monday following; they told me they had taken the things to Mr. Baldock's, the World's-end, at Little-Chelſea, they ſaid, they were to go for the money another time, for Mr. Baldock was not at home, and ſaid, his wife offered them 14s. and they would not take it, I do not know whether they ever got any money for the things.

Croſs-examined by Mr. Gurney. Q. That is your brother at the bar, is it not?—*A.* Yes.

Q. I dare ſay, as ſoon as you had committed this crime, your conſcience ſmote you, and you went to the Magiſtrate, and confeſſed it?—*A.* Yes.

Q. You

Q. You will ſwear that—I will not take you by ſurprize; as ſoon as you had committed this crime, your conſcience ſmote you, and you went to the Juſtice, and confeſſed it?—*A.* I do not underſtand you.

Q. You know what I mean by conſcience?—*A.* Yes; we were taken to the Juſtices.

Q. Perhaps that Juſtice committed you to jail too?—*A.* Yes.

Q. How long, after you had been committed to jail, was it, before you accuſed others to ſave yourſelf?—*A.* A week.

Q. Was it not three weeks?—*A.* Only one week.

Q. You expected yourſelf to be tried?—*A.* Yes.

Q. And then you thought it would be better to accuſe your brother to ſave yourſelf?—*A.* Yes.

SARAH BALDOCK *ſworn.*—I live at the World's-end, my huſband keeps a public-houſe, ſo called, at Chelſea.

Q. Do you know the two priſoners at the bar?—*A.* Yes; I have ſeen them ſeveral times.

Q. When did you laſt ſee them at your houſe?—*A.* It was on a Friday, I do not remember the day of the month.

Q. What month was it?—*A.* I think it was three weeks ago laſt night; I cannot ſay whether it is a month, or three weeks.

Q. Is there nothing by which you can bring it to your mind?—*A.* I cannot.

Q. Was your huſband at home?—*A.* No; he had been gone out a few hours.

Q. Cannot you, by that, aſcertain when it was?—*A.* No, I cannot tell, I am ſure.

Q. You were examined before the Juſtices?—*A.* Yes.

Q. How long before that time was it, that theſe things were brought to your houſe?—*A.* I think it was a fortnight before; they came about ſeven o'clock at night, on foot, and called for ſome gin, and after I had ſerved them, they told me they wanted to ſpeak to me; then they aſked me if I wanted to buy ſome things, I went into the parlour, and I told them, I ſhould not buy them, and then they told me I might, for they were their own property; I being a countrywoman, and not knowing any better, I went back to the room again, and bought them; there were two counterpanes, a flannel night-gown, a ſhift, a piece of cheeſe, and a table-cloth, they aſked me 30s. for them, I told them I would give them 20s. and then they ſaid, I ſhould have them; I gave them 18s. in money, and 2s. the reckoning; the things were left with me, they are here now, the conſtable took them away from me.

Croſs-examined by Mr. Gurney. Q. You were taken up upon a charge of receiving theſe goods, knowing them to be ſtolen?—*A.* Yes.

Q. And was committed to jail?—*A.* Yes.

Q. And your huſband too?—*A.* Yes.

Q. Thomas Wheeler, that fellow behind you, was admitted an evidence, you know, and you and your huſband, at the ſame time?—*A.* Yes.

Q. You know, as you were admitted an evidence, you were obliged to ſwear to ſomebody?—*A.* Yes.

Q. It would not do, to ſwear to Thomas Wheeler, you know, becauſe he was admitted an evidence?—*A.* He was not at my houſe, I only ſaw theſe two.

Q. Your huſband and you were let out of jail upon your ſwearing all this?—*A.* Yes.

CHARLES TOVEY *ſworn.*—I apprehended both the priſoners in a back lane, at the back of Brentford, that is all I know of it, I found nothing upon them.

EDWARD WARREN *ſworn.*—I was at the apprehenſion of the priſoners, in a back-lane in Brentford, at eleven o'clock at night, of the 4th of December, at that time they lodged at the Little King's-arms, in Brentford; I aſked them where they were going, they ſaid, to their lodgings; where are your lodgings? they ſaid, the Little King's-arms; I ſaid, if you are going to your lodgings, we will ſee you ſafe there; they knocked at the door, and the people denied them, and ſaid, they did not lodge there; upon that I conveyed them to the cage, and the next day took them to Bow-ſtreet; my brother officer found theſe two irons in Gurney's houſe the next morning, with which it is ſuppoſed they broke open the houſe.

Tovey. I was going paſt, and Gurney called me in, and ſaid, there were theſe two irons belonging to the fellows we had taken the night before.

Gurney. I ſhewed him where theſe irons were lying, the boarding is broke away, and they laid in a dark place, under a ſettle.

Q. How did you know any thing of them?—*A.* My ſon-in-law found them out, but I did not know who put them there.

PATRICK TOOLE *ſworn.*—I am one of the officers of Bow-ſtreet; I went to the houſe of John Baldock, the World's-end, at Chelſea; on Friday the 8th of December, I found there two counterpanes, a table-cloth, a flannel petticoat, and part of a cheſhire-cheeſe. *(Produces them.)*

Mrs. Baldock. Theſe are the things I had brought to me by the two priſoners, and which I bought of them.

DUNCAN GRANT *ſworn.*—I am one of the officers of Bow-ſtreet, *(produces a ſhift;)* I had this ſhift from Mrs. Baldock's ſiſter, at Parſon's-green.

Mrs. Baldock. I ſent it there to be waſhed, this is the ſhift I had from the priſoners.

Martha

Martha Nicholls. This is the counterpane that I left wet in the larder, and was taken away that night, and this counterpane is the other, it has got a piece put into it, and is darned on the right ſide; and this is the ſhift I tore off the dead corpſe, I am very ſure to this; the cheeſe I cannot ſpeak to, nor the flannels.

The priſoners left their defence to their Counſel.

John Wheeler, GUILTY Death. (Aged 19.)
Thomas Hall, GUILTY Death. (Aged 18.)

Tried by the ſecond Middleſex Jury, before Mr. Juſtice LAWRENCE.

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106. ROBERT REEVES was indicted for forging and counterfeiting, on the 1ſt of February, a Scrip Receipt, with intention to defraud the Governor and Company of the Bank of England.

Second Count. For a like offence, with intention to defraud William Aſhforth.

Third and fourth Counts. For uttering and publiſhing the ſame as true, knowing it to be forged, with the like intention.

Several other Counts, for the like offence, varying the manner of charging it.

(The indictment ſtated by Mr. Giles, and the caſe by Mr. Fielding).

WILLIAM ASHFORTH *ſworn.—Examined by Mr. Knowlys.* I live at Walworth: I have known Mr. Reeves, three years and upwards; he was a ſtock-broker and dealer in coals; he lived next door to me: In June, 1796, he applied to me to advance money upon Scrip receipts; I accordingly advanced nearly 2000l.; he lodged with me Scrip receipts for the loan of 7,500,000l.; in Januaary following, he applied to me to advance more money; he had bought for me, before that, 2000l. Imperial Annuity; I added that to the former, making, in all, near 4000l.; I was not ſatisfied with the original ſecurity, but I requeſted to have a better ſecurity; he told me, if I would ſell out of the Imperial Annuity, he would give me heavy Scrip, that is, Scrip paid up in full. On the 19th of January, Mr. Reeves and I went to the Bank together in a coach.

Court. Q. Was that the day you ſold out of the Imperial Annuity?—*A.* I believe it was. When we got to the Bank, Mr. Reeves was very ill, and he went into a private place; he told me to go into the Rotunda, and he would go and ſee his principal.

Q. At that time, where were the receipts he had originally given you?—*A.* I had returned them to him; he told me to ſtay in the Rotunda till he returned; in about two hours, he returned to the Rotunda again, where I was waiting impatiently for him; he then brought me ſix Scrip receipts.

Q. Look at theſe, and ſee if thoſe ſix are among them?—*A.* I marked them at the corner, all but the bottom one.

Q. Theſe ſix appear to be paid up to the full?—*A.* They appear to be ſo.

Q. Were they in that ſtate when he delivered them to you in the Rotunda?—*A* They were.

Q. There is a ſeventh, how came you by that?—*A.* In October, there was ſome more money coming to me, and he ſaid, he would give me another receipt, but only let it remain, for money was very ſcarce; I never tranſacted any buſineſs with Mr. Reeves as a principal, I always conſidered him as a broker.

Q. There is another piece of paper attached to that, whoſe hand-writing is it?—*A.* Mr. Reeves's; he wrote it in my preſence; I put an unlimited confidence in him as a broker, and as a man I always had the higheſt opinion of him.

Q. Have you any recollection whether thoſe ſix paid up in full were any part of what he returned to you again?—*A.* I cannot aſcertain that.

Q. Had you any converſation with him, and what, when he was in the Rotunda?—*A.* I have already related almoſt all the converſation.

Q. Were theſe at any time converted into ſtock?—*A.* No.

Q. Was there any converſation reſpecting their becoming ſtock?—*A.* I aſked him, why he did not make good the agreements; he talked of his principal as a great man at the Stock-Exchange, who returned 100,000l. a day, three or four times over.

Q. What was the reaſon he gave for their not being converted into ſtock?—*A.* The reaſon he gave was, that the more ſtock that was brought into market, it would depreſs the market, and they found an advantage in keeping the ſtock out of the market.

Q. Who did he ſay found that advantage?—*A.* The people that he ſaid belonged to theſe papers.

Q. Are theſe in the ſame ſtate in which you received them from him?—*A.* They are.

Q. This matter was not diſcovered till the October following?—*A.* Not till the laſt day of October. *(The receipt read).*

"Loan, 1796, for 7,500,000l.—1000l. 3 per "Cent. Annuites, 1796, to be added to Conſolida- "ted 3 per Cent. Annuities, 1138, by virtue of a "reſolution of the Houſe of Commons, for raiſing "7,500,000l. for the ſervice of the year 1796."

"Received of Ellis Vere, Eſq; the ſum of 67l. "for a depoſit of 10 per Cent. upon 670l. ſub- "ſcribed by him, in purſuance of the above ſaid "reſolution; and upon due payment of the re- "maining 90 per Cent. of the ſaid ſum of 670l. "the ſaid ſubſcriber or his aſſigns, by his or their "endorſement thereon, will, in exchange for this "receipt, become entitled to 1000l. joint-ſtock of "3 per Cent. Annuities, which were conſolidated "at the Bank of England, by certain Acts made "in the 25th, 28th, 29th, 32d and 33d of his late

"Majeſty

" Majeſty King George II. and by ſeveral ſubſe-
" quent Acts, the intereſt to commence from the
" 6th of January, 1796. Any ſubſcriber who
" ſhall be poſſeſſed of any Exchequer-bill or bills,
" iſſued purſuant to an Act for raiſing a certain
" ſum of money by Loans, for the ſervice of the
" year 1796; and by another Act, paſſed in the
" ſame Seſſion, intitled, an Act for raiſing a fur-
" ther ſum of money by Loans or Exchequer-bills,
" for the ſervice of the year 1795, or by another
" Act, paſſed in the ſame Seſſion, entitled, an Act
" for enabling his Majeſty to raiſe the ſum of
" 2,500,000l. for the uſes and purpoſes therein
" mentioned; or by another Act, paſſed the ſame
" Seſſion, entitled, an Act for granting to his Ma-
" jeſty, a certain ſum of money out of the Con-
" ſolidated Fund, for the ſervice of the year 1795,
" and for further appropriating the ſupplies granted
" in this Seſſion of Parliament, will be ready to
" pay, or deliver in the ſame, with the intereſt due
" thereon, for the purchaſe of the ſaid Annuities;
" and every ſubſcriber who ſhall complete his ſub-
" ſcription, on or before the 2d of September
" next, will be allowed a diſcount after the rate
" of 3 per Cent. upon the ſum ſo completing the
" ſubſcription, from the day of paying it to the
" 26th of October, 1796.

" Witneſs my hand this 26th day of April,
" 1796. " C. Olier.

" £67 0 0 Entered, W. Bridges."

(Receipt for the ſecond payment read).

" Received 100l. 10s. for the ſecond payment.
" £100 10 " C. Olier.
" Entered, S. Stevens."

(A paper annexed, read).

" Mr. Aſhforth lends the ſum of 4406l. 5s. upon
" 8400l. Scrip, from the 7th of October, 1797, to
" the 21ſt of November following; Mr. Aſhforth
" is to have put into his name, on the 21ſt of No-
" vember, 1797, 250l. a year Imperial Annuities,
" at 9, and 200l. a year Ditto, at 9½; Mr. Aſh-
" forth to be allowed half a year's intereſt, the 3d
" of November.—Commiſſion to be allowed.

" No. 1138, 1000l. 3 per Cents. 670l.; No.
" 407, 1800l. 3 per Cents. 1206l.; No. 836,
" 1200l. 3 per Cents. 804l.; G No. 1338, 1800l.
" 3 per Cents. 1206l.; No. 1148, 1000l. 3 per
" Cents. 670l.; No. 898, 1000l. 3 per Cents.
" 670l.; No. 1657, 600l. 3 per Cents. 402l."

(The numbers of the receipts were compared with the above memorandum).

Q. Have you ever been able to recover any part of your money?—*A.* Not a ſhilling.

Croſs-examined by Mr. Wood. Q. Have you ever had any ſtock tranſactions with him, beſides thoſe you have mentioned?—*A.* Yes, but not of Scrip; he has bought ſtock, and ſold ſtock for me.

Court. Q. Have you never had any Scrip-receipts before the time you have mentioned?—*A.* No.

Q. When was it you received the firſt parcel?—*A.* I think, before the 1ſt of June.

Q. Was it in the month of May, or before May?—*A.* I am certain I had theſe papers at the time I have mentioned.

Q. But I am enquiring of you when you received them, was it in the beginning of May?—*A.* I cannot ſay, I believe it was in June; I had Omnium papers before that time.

Q. You told us he borrowed ſome money, and depoſited ſeveral Scrip-receipts, to what amount was it?—*A.* Thirty thouſand pounds.

Q. When was that depoſit made with you, was it before the month of June?—*A.* I cannot ſay, I believe it was in the month of June.

Q. Have you any memorandum of it?—*A.* I think I have, *(looks at a memorandum-book;)* according to my memorandum it was the 26th of June.

Q. What is the memorandum that you made?—*A.* That Mr. Reeves depoſited with me Scrip-receipts, for which I advanced him money, it was the firſt I had had from him.

Q. You underſtood the nature of theſe Scrip-receipts very well?—*A.* No, I did not at all.

Q. Do not you know that they paſs as current, from hand to hand, as a Bank-note?—*A.* He told me ſo.

Q. Did he not tell you, that they were as current as caſh?—*A.* I do not believe he did.

Q. Then how came you to tell me ſo?—*A.* When I read the head of the Scrip-receipts, ſeeing it was for the loan of 7,500,000l.—

Court. Q. The queſtion is, how you came to ſay the priſoner told you they were current as caſh?—*A.* I took them as ſecurity.

Mr. Wood Q. Do not you know, that Scrip receipts are frequently floating in the market after they are full?—*A.* Yes.

Q. They are not turned into ſtock, but kept negociating?—*A.* I have heard ſo from Mr. Reeves and Mr. Parry.

Q. You went to the Bank on the 9th of January?—*A.* Yes; we went to the Bank about one o'clock.

Q. Was it not before one o'clock?—*A.* It might be a quarter after, or a quarter before, I cannot ſay exactly.

Q. The Stock-Exchange was open at that time, was it not?—*A.* I did not go to ſee the Stock-Exchange open or ſhut.

Q. It was no holiday?—*A.* No.

Q. You never were at the Stock-Exchange, perhaps?—*A.* I have been there to call on him.

Q. Don't you know it was an eaſy matter to purchaſe

purchaſe 7 or 8,000l. heavy Scrip, at that time?—*A.* I do not know it.

Q. Don't you believe it?—*A.* I have been ſo much deceived I won't believe any thing but what I know.

Q. You muſt tell me what you believe?—*A.* I won't believe any thing.

Court. I do not ſee any materials that he has to form a belief upon.

Mr. Knowlys. *Q.* Did Mr. Reeves repreſent to you, that this was got in the market in a floating way, or that he derived it from a principal?—*A.* From a principal.

CHRISTOPHER OLIER *ſworn.—Examined by Mr. Giles.* I am one of the caſhiers of the Bank.

Q. Is it your buſineſs to ſign Scrip receipts upon payments being made?—*A.* It is.

Q. Look at the firſt payment?—*A.* The firſt payment is my hand-writing.

Q. Is the next your's?—

Mr. Wood. Don't anſwer that queſtion.

Here Mr. Wood took an objection to the competency of Mr. Olier to prove the inſtrument to be a forgery, he being the perſon whoſe hand was ſuppoſed to be forged, and therefore a party intereſted.—Mr. Fielding replied to Mr. Wood's objection.—The Court were of opinion that the objection was good.

Mr. Giles. *Q.* Is there any perſon of the name of Stevens, a clerk in the Bank of England?—*A.* No; that is a fictitious name.

Q. Is there any perſon of that name who enters theſe Scrip receipts?—*A.* No, there is not.

WILLIAM MULLENS *ſworn.—Examined by Mr. Giles.* I am one of the caſhiers of the Bank.

Q. I will aſk you the ſame queſtion?—*A.* There is not.

Q. You ſee the name, C. Olier, ſubſcribed to thoſe Scrip receipts—are you acquainted with the hand-writing of Mr. Olier?—*A* Yes.

Q. Are thoſe ſubſequent ones the hand-writing of Mr. Olier?—*A.* The firſt is, but the reſt are not.

ROBERT ASLET *ſworn.—Examined by Mr. Giles.* I am aſſiſtant to the chief caſhier of the Bank.

Q. Are you well acquainted with the hand-writing of Mr. Olier?—*A.* Yes, I am.

Q. Look at that paper, and tell the Jury if that is his hand-writing?—*A.* I do not believe it to be his hand-writing.

Q. Have you any entering clerk of the name of Stevens?—*A.* There is no perſon in the Bank of that name.

CHARLES JECKS *ſworn.—Examined by Mr. Giles.* I am one of the caſhiers of the Bank.

Q. Are you well acquainted with the hand-writing of Mr. Olier?—*A.* I am.

Q. Look at that receipt for the ſecond payment—do you believe it to be his hand-writing?—*A.* It certainly is not.

JOSEPH KAYE *ſworn.—Examined by Mr. Fielding.* *Q.* You are Solicitor to the Bank?—*A.* Yes. On the 30th of October, I was ſent for to the Bank, and found Mr. Reeves and Mr. Parry there; an enquiry was entered into between Mr. Reeves and Mr. Parry reſpecting ſome Scrip receipts, to the extent of between 4 and 5,000l. after that enenquiry had been gone through, Mr. Parry ſuggeſted to me, that he believed Mr. Aſhforth was in the ſame ſituation with himſelf, that he held ſome depoſits of Scrip from Mr. Reeves; Mr. Reeves was in an adjoining room, I went to him, he was then under the care of a peace officer; I told him of this, and aſked him if he had made any ſuch depoſit with Mr. Aſhforth; he ſaid, he had; I aſked him to what amount; he ſaid, to the amount of about 4000l. in conſequence of which, I ſent to him; I preſſed Mr, Reeves to tell me from whom he had thoſe receipts that he gave to Mr. Parry and Mr. Aſhforth; he ſaid, he did not know, it was a conſiderable time ago, and he had forgot.

—— TOMLINSON *ſworn.—Examined by Mr. Fielding.* I am in the office of the Solicitor of the Bank; I went with Townſend, a Bow-ſtreet officer, to Mr. Reeves's houſe, and, in a bureau, we found theſe Scrip receipts, *(producing them)*; there are 33,000l. worth, all of them have the firſt payment genuine, and only the firſt payment.

WILLIAM HARRIS *ſworn.—Examined by Mr. Knowlys.* I am a clerk in the office of the chief caſhier of the Bank.

Q. Have you the book of the Loan of ſeven millions and a half, and the payments that have been made upon it?—*A.* There are about thirty caſh-books, and four ledgers.

Q. Have you the book which relates to No. 1138?—*A.* Yes; I have the ledger. *(Refers to the book).*

Mr. Knapp. *Q.* Is that the original book?—*A.* It has never been entered in the original book; it has never been in for payment.

Q. Is what is entered there, entered into any other book?—*A.* It cannot be.

Mr. Fielding. *Q.* Have you the book in which the No. 1138, is firſt of all entered at the Bank?—*A.* Yes, I have, *(produces it)*; this is the original book that the receipts are delivered to the public from; *(reads)*, No. 1138, 670l. in the name of Ellis Vere, Eſq.

Q. Is there a date to it?—*A.* No.

Q. Is there any other entry, after that, under the ſame number?—*A.* There is none.

Q. Then no ſubſequent payment was made?—*A.* No.

Court. *Q.* If a ſecond payment had been made, would it have appeared in that book?—*A.* It would.

Court.

Court. Q. The firſt payment has been made?—*A.* The depoſit of ten per cent.

Court. Q. Have you any book that contains an entry of the depoſit?—*A.* Yes. *(Refers to it).*

Court. Q. If a ſecond payment had been made, would any entry have been made in that book?—*A.* No, it would have been in one of theſe ſmall books; but there is no ſuch entry.

Mr. Wood. I ſubmit to your Lordſhip, that the evidence given in ſupport of this charge, does not prove the indictment. My Lord, The firſt objection that I ſhall take the liberty of ſtating is, that the indictment ſtates that the priſoner at the bar forged a receipt, purporting to be the receipt of Chriſtopher Olier; now, upon looking at the face of the receipt, your Lordſhip will ſee, that it does not purport any ſuch thing. It is true it bears the ſignature of C. Olier, but that may be Charles, or any other name beginning with a C, but does not purport, upon the face of it, to be Chriſtopher Olier. My Lord, I underſtand there was a caſe of that ſort lately, which my learned Friend, Mr. Knapp, will cite to your Lordſhip, in which that objection was taken, and prevailed. My Lord, with reſpect to the other objections, I think it will be better for me to take your Lordſhip's opinion upon this, before I proceed to them.

Mr. Knapp. The caſe Mr. Wood has alluded to, is the caſe of the King and Gilchriſt, which was determined by all your Lordſhips; it was reported in this place by Mr. Juſtice Buller, of which I have a very correct note.

In February Seſſions, 1795, the priſoner was indicted for forging a certain paper writing, purporting to be an order for the payment of money, and puporting to be ſigned by T. Exton, and to be directed to Lord George Kinnard, William Morland, and Thomas Hammerſley, bankers and partners, by the name of Ranſom, Morland, and Hammerſley; and then it is ſet out in the indictment, in the way in which it purports to be ſtated. The objection was, that the bill was improperly deſcribed, the name of Lord George Kinnard not being upon the face of it, it could not purport to be directed to him. The Jury convicted the priſoner; and, in July, 1795, at the Seſſions here, Mr. Juſtice Buller delivered the opinion of the Judges. Mr. Juſtice Buller ſays, "I give the opinion of ten of the Judges, who were all that aſſembled, and were unanimous upon the point; I muſt make an obſervation upon the manner in which indictments of this nature are drawn. It is the duty of a good pleader not to clog the record unneceſſarily, to take care not to throw too much proof upon his client, and not to ſtate repugnant, or abſurd matter. The books are full of diſtinctions as to the words purport and tenor, and the neceſſity of uſing the one or the other; but I find no determination that both ſhall be ſtated; the purport is the ſubſtance of the inſtrument as it appears upon the face of the inſtrument itſelf; the tenor is an exact copy; where the tenor is ſet out, the purport muſt be neceſſarily included; the forms of indictments are now much more complicated than formerly, and, I think, much worſe. The indictment ſtated the priſoner to have forged a certain paper writing, ſigned T. Exton, purporting to be a bill of Exchange, and then ſetting out the tenor is quite ſufficient; there muſt be a tenor ſet out, and then the purport is included. Lord George Kinnard, Morland, and Hammerſley, carrying on the banking buſineſs under the name of Ranſom, Morland, and Hammerſley, the pleader thought he muſt take the name of Lord Kinnard, which is not neceſſary, which renders it inconſiſtent with itſelf, and repugnant to the bill, for it does not appear to be ſo directed; and as ſuch direction is not upon the face of the bill, the indictment is bad, and the priſoner muſt be diſcharged from this indictment."

Now, it does ſeem to me, my Lord, that this objection goes, all fours, with the objection that Mr. Wood has taken. The objection there was, that the appearance of the bill contradicted the purport;—what is the objection here? It purports to be ſigned by a perſon having a chriſtian name belonging to him, namely, that of Chriſtopher.

Does Chriſtopher appear to be the perſon whoſe name the bill purports to bear? Certainly not; but C. Olier, which may be Charles, or any thing elſe; and, therefore, that determination ſeems to me to govern the preſent objection; and, I truſt, your Lordſhip, upon that authority, will be of opinion that it is fatal.

Mr. Balmanno. I will only juſt mention to your Lordſhip another caſe, reported in Mr. Leach's book, the caſe of William Jones, where it was decided, that an inſtrument, purporting to be a Bank-note, muſt appear ſo upon the face of it; and, that no repreſentation of the priſoner can alter the purport of it.

Court. This caſe, a little, varies from the caſes that have been cited. As I underſtand it, the priſoner gave a receipt with C. Olier ſubſcribed to it, thereby purporting to be the receipt of Chriſtopher Olier, who is one of the caſhiers of the Bank. The caſe of Gilchriſt differs from this, becauſe the name of Kinnard does not at all appear upon the face of the bill; but this ſeems to me to deſcribe it exactly as it is; a receipt for one hundred pounds ten ſhillings, with the name C. Olier, thereto ſubſcribed; therefore, I do not feel the weight of the objection; I will mention it to my Brothers who are up ſtairs, and if they have any doubt upon that point, it ſhall be ſaved.

Mr. Wood. I am to ſubmit to your Lordſhip, that there is not ſufficient evidence to be left to the Jury, in order to convict the priſoner of the offence charged in this indictment. My Lord, in order to make an offence within this Act of Parliament, it muſt clearly appear, that the inſtrument ſuppoſed to be forged, was forged ſubſequent to the paſſing of this Act of Parliament for raiſing a Loan of ſeven million and a half.

My Lord, this Act of Parliament paſſed on the 14th of May, 1796, and the clauſe upon which the indictment was founded, is the twenty-ſecond: "That if any perſon or perſons ſhall forge, or counterfeit, any receipt, or receipts, for the whole, or any part of the ſaid contributions towards the ſaid ſeven millions and a half, or ſhall alter any number, figure, or word therein, or utter, or publiſh as true, any ſuch forged receipt, ſhall be adjudged guilty of felony, and ſuffer death, as a felon, without benefit of clergy.

Now your Lordſhip will ſee, that the Act is merely

proſpective,

proſpective, and, therefore, unleſs it has clearly appeared in evidence, that the receipt, which has been uttered, was actually forged, ſubſequent to the paſſing of this Act, I conceive the priſoner ought to be acquitted. Now your Lordſhip will ſee, that the firſt receipt is dated the 26th of April, which is before the paſſing of the Act, and the uttering a receipt which had been forged, prior to the paſſing of the Act, could not have brought the defendant within that Act. Now, I take it, that there is no evidence in this caſe to prove, that the receiptwas forged, ſubſequent to the paſſing of the Act, and your Lordſhip will recollect what the evidence is; the ſeveral receipts were depoſited in the month of June, and if they were the ſame receipts or part of the ſame receipts that were returned to Mr. Aſhforth, at the time they were returned, then, moſt undoubtedly, the caſe would have been clear; but, my Lord, it is not ſo, becauſe your Lordſhip will recollect, that Mr. Aſhforth ſays, he would not pretend to ſay, they were the ſame receipts that he had had in his poſſeſſion before. Therefore, how does the matter ſtand upon the evidence? That certain receipts had been delivered ſubſequent to the paſſing of the Act, and (which is a material circumſtance, that I muſt beg leave to call your Lordſhip's attention to) the firſt of thoſe receipts bears date the 26th of April, and the others have no date to them, therefore, *non conſtat*, all theſe might have been forged before the paſſing of the Act, and if they were, I conceive the priſoner cannot be found guilty. The firſt payment, your Lordſhip will obſerve, was on the 26th of April, and it is poſſible, that all might have been paid up at that time, for ſubſcribers to the loan have an opportunity of paying in the whole of the ſubſcription, and it does not appear to the contrary. That is my objection, that inaſmuch as it does not clearly appear, that the receipt uttered was forged ſubſequent to the paſſing of the Act, the defendant ought to be acquitted.

My Lord, There is another objection, which I truſt your Lordſhip will think clear and deciſive, and that is, that this receipt, which is ſuppoſed to be forged, is not a receipt to which this Act of Parliament applies; and here I beg leave to ſtate particularly to your Lordſhip, the nature of this ſubſcription, and the nature of the clauſes contained in the Act. My Lord, it is clear, that to conſtitute a forgery within this Act of Parliament, the receipt itſelf muſt purport to be a receipt for a contribution for the purchaſe of theſe annuities, mentioned in the Act. Now, my Lord, let us ſee whether this receipt does purport to be a receipt for any ſubſcription, or contribution, for the purchaſe of the annuities mentioned in this Act. My Lord, the Act begins with reciting that the Commons of Great-Britain have reſolved that the ſum of ſeven millions and a half be raiſed by annuities, in manner therein after-mentioned. It then directs that the contributors ſhall, for every 100l. contributed either in money or Exchequer-bills, be entitled to the principal ſum of 100l. in the 3 per Cent. Conſols, and an additional principal ſum of 20l. in like Annuities; a further principal ſum of 25l. in the 3 per Cents. Reduced, and a further annuity of 5s. 6d. for a certain number of years. The intereſt upon the Conſolidated Annuities, is to commence from the 5th of January 1796, upon the Reduced Annuities, from the 5th of April 1796, and I believe the 5s. 6d. Long Annuities are to commence from April likewiſe.

Then the 19th Section of the Act ſays, that all monies to which any perſon or perſons ſhall become entitled by virtue of this Act, in reſpect of any ſum advanced, or contributed towards the ſaid ſum of ſeven millions and a half, on which the ſaid reſpective Annuities firſt mentioned ſhall be added to the joint Stock of Annuities, transferrable at the Bank of England, which had been conſolidated by former Acts of Parliament, ſo far, with reſpect to the 3 per Cents. Then, with reſpect to the 25l. 3 per Cent. Reduced Annuities, they are likewiſe to be added to the old Stock of 3 per Cent. reduced Annuities, and the 5s. 6d. Long Annuity is to be added to the old Stock of 5s. 6d. Long Annuities. Now, if your Lordſhip will pleaſe to advert to the terms of this receipt, your Lordſhip will perceive that it is quite a diſtinct Annuity, for it is a receipt for a ſubſcription of 67ol. for the purchaſe of 1000l. in the old Stock, which had been conſolidated by the former Acts of Parliament. In order to have been a receipt within this Act of Parliament, it ought to have been at leaſt for the ſum to be created into a Stock by this new Act, and added to the old Stock; whereas it is a receipt for 1000l. in a Stock which has been long conſolidated, and which this Act does not authorize the ſale of; here the receipt does not appear to be a receipt for the purchaſe of Stock to be added to the old Stock, but is a receipt for the purchaſe of the old Stock itſelf. There is a material difference between a man giving a receipt for 1000l. 3 per Cent. Conſolidated Annuities, as long ago as the 25th, 28th, 29th, 32d, or 33d of George II. and one that is to be created in 1796.

My Lord, There is another thing—Every perſon, ſubſcribing under this Act of Parliament, is entitled to three different ſpecies of Stock; for every 100l. he is entitled to ſo much 3 per Cent. ſo much Reduced Annuities, and ſo much Long Annuities. Now this is merely a receipt for the purchaſe of Stock in the 3 per Cent. Annuities. The Governor and Company of the Bank of England may ſay, we think fit to divide this, and therefore we will give different receipts; but that has not appeared in evidence, and therefore it is not to be preſumed that ſuch receipts are given; and ſuppoſing ſuch receipts are given, it is not for the Bank of England to bring perſons within the penalties of this Act of Parliament, by any particular acts of their own. A receipt, under this Act of Parliament, muſt be according to the terms of the Act; it therefore ought to have been a receipt for the receipt of ſo much, for which the perſon was entitled to ſuch a quantity of 3 per Cent. Annuities, ſuch a quantity of Reduced Annuities, and ſuch a quantity of Long Annuities.—Therefore, My Lord, upon theſe grounds, I ſubmit to your Lordſhip, that the priſoner ought to be acquitted.

Mr. Wood was followed by Mr. Knapp and Mr. Balmanno, on the ſame ſide.

Mr. Fielding. I will trouble your Lordſhip with a very few obſervations—

Court. It is unneceſſary to give you any trouble, Mr. Fielding, for I do not ſee that theſe objections have any weight. With reſpect to its being forged prior to the Act, it ſeems to me to be for the Jury to ſay, upon the whole

whole of the evidence, whether it was forged ſubſequent to the paſſing of the Act, or not; though I do not know that is neceſſary that they ſhould do ſo, for it does not matter, in a caſe of forgery, if the receipt was forged, and was uttered and publiſhed after the paſſing of the Act, every ingredient of the crime is complete.

The next objection is, that this is not ſuch a receipt as that to which the Act applies. The argument of the Counſel has gone upon reading only a part of the receipt; if the whole of the receipt was read, it would be impoſſible to doubt what it was for; for it ſtates the Loan of 1796, for ſeven millions and a half, 1000l. 3 per Cent. Annuities, to be added to the 3 per Cent. Conſolidated Annuities of ſtock then exiſting. The indictment goes on, and ſtates the receipt more fully:—Received of Ellis Vere, Eſq. the ſum of 67l. for a depoſit of 10 per Cent. upon 670l. ſubſcribed by him, in purſuance of the above-ſaid reſolution, and upon the due payment of the remaining 90 per Cent. of the ſaid ſum of 670l. the ſaid ſubſcriber or his aſſigns, by his or their indorſement thereon, will, in exchange for this receipt, become entitled to 1000l. joint-ſtock of Annuities, conſolidated at the Bank of England by the ſeveral ſubſequent Acts.—Is not this Act one of the ſubſequent Acts by which this ſtock was conſolidated?

The next objection is, that it muſt be adapted to the very terms of the Act, that the ſubſcribers ſhall be entitled to a certain proportion of 3 per Cent. Conſolidated Annuities of the 3 per Cent. Reduced Annuities, and of the Long Annuity. Now let us ſee what is the clauſe in the Act, which makes it a forgery to counterfeit a receipt for the whole, or any part of the ſaid contribution—Now, does not this appear to be a receipt for a part of this contribution?—As to there being ſeparate receipts, I am to underſtand, that the Bank, in doing their buſineſs, do it correctly; there is a very great inconvenience in having them ſeparate and diſtinct, becauſe a man has an opportunity to purchaſe in what ſtock he pleaſes; but, in the courſe of this argument, the ſecond ſet of Counts is entirely forgot.

Theſe objections have been argued by the Counſel very ably, and with all that zeal that does them credit, when a man has ſo much at ſtake.

Priſoner's defence. My Lord, and Gentlemen of the Jury, I have known Mr. Aſhforth for a conſiderable time, and tranſacted a great deal of buſineſs for him in my line of Scrip receipts; the loan of ſeven millions and a half for the year 1796, being conſidered advantageous to purchaſe, I purchaſed many of them for Mr. Aſhforth as well as myſelf; having accounts to ſettle with Mr. Aſhforth, for money advanced by him, with only the firſt payment made upon them, and having inadvertantly loſt the opportunity of making the other payments, by being confined to my room by ſevere indiſpoſition; on my recovery, I went to the Stock-Exchange, and purchaſed Scrip receipts with the whole payment, I cannot tell whether they were forged any more than if they had been Bank-notes paſſing through my hands. My Lord, Scrip receipts are as current as Bank-notes; I cannot recollect of whom I purchaſed them; there are many gentlemen about the Stock-Exchange, who keep no minutes of their buſineſs any more than myſelf; if I had had any idea of forging, or uttering a receipt knowing it to be forged, I certainly ſhould not have attended the Stock-Exchange as I did; I was attending the Stock-Exchange to the very hour, and in fact, at the very minute that I was apprehended.

For the Priſoner.

SAMUEL NESBITT *ſworn.—Examined by Mr. Wood.* Q. You have been pretty largely concerned in the negociation of Scrip?—*A.* I have.

Q. Is it not uſual to negociate Scrip without taking any account of whom you purchaſe them?—*A.* It is very much the practice upon the Stock-Exchange; it is ſo in my own caſe; it is impoſſible for me to ſay of whom I have bought them.

Q. Perhaps you have known ſome inſtances of it?—*A.* Particularly ſo in the month of October or November, I forget which, in the ſettling of a large ſum of Scrip, I miſſed it; I looked over my accounts, and could not find it; the next morning, I ſtuck up an advertiſement at the Stock-Exchange, but I could not learn any thing of it.

Q. Is it cuſtomary to negociate full Scrip?—*A.* Yes; ſuppoſe I want to borrow money, I go to my banker, and depoſit that, it is more handily done than transferring ſtock.

Croſs-examined by Mr. Fielding. Q. How long have you been employed as a broker?—*A.* Upwards of twenty years.

Q. Then I take it for granted, you have heard of Lyon's caſe formerly?—*A.* Yes; I know the caſe.

Q. Then that circumſtance might have ſhewn you, that now and then, paper paſſing about might be dangerous?—*A.* Yes.

Q. Did you ever purchaſe Scrip without looking at it?—*A.* No.

Q. In the purchaſe of Scrip, what is it material to conſider?—*A.* The party of whom you purchaſe, and to ſee that the money is right. Having had very large concerns in Scrip, I have found, when I have attempted to take an account of the letters and numbers, I could not get through my buſineſs; I ſhould have known who I bought 5000l. of, and who I had bought Scrip of; but if it had been forged, and had been afterwards brought to me, I could not have ſaid, who I had had it of.

Q. When all the payments are made upon this Scrip, you are entitled to a dividend upon that ſtock from that time, are you not?—*A.* Yes.

Q. When you keep it out of that ſtock, of courſe you have no dividend?—*A.* If I keep it after a dividend, I procraſtinate the payment of the dividend.

Q. Then if you keep heavy Scrip that is paid up, by you, you loſe all the intereſt of that ſtock you

turn it into?—*A.* Provided I pay it up, or convert it into ſtock before the dividend becomes due, then I ſhould loſe that intereſt.

Q. Underſtand me, ſuppoſing the payments upon the ſubſcription of 2000l. are all made up at that very moment, you may convert it into ſtock?—*A.* Certainly.

Q. Then, if you keep that Scrip by you ſix months, you loſe the advantage of ſix months dividend upon that ſtock?—*A.* No; if I keep it, and do not make it into ſtock, I only loſe the intereſt upon the intereſt; as ſoon as I turn it into ſtock, I get the arrears of the dividend.

FRANCIS WALSH *ſworn.—Examined by Mr. Knapp.* I am a broker.

Q. Were you in Court, when the laſt witneſs was examined?—*A.* I was.

Q. Have you ever had an opportunity of taking Scrip, without making any minute, by which you would be able to know of whom you have bought it?—*A.* Yes; I have bought large quantities of Scrip.

Q. Have you happened to have any loſs in conſequence of it?—*A.* No; I always make a minute of what I buy, but not of the perſons.

Croſs-examined by Mr. Knowlys. *Q.* You always take particular notice of whom you buy it?—*A.* Yes, and for whom.

Q. Would you, from your practice, if you had bought any particular ſum, know of whom you had it?—*A.* Yes.

JOHN RHODES *ſworn.—Examined by Mr. Balmanno.* *Q.* Are you acquainted with the mode of tranſacting buſineſs at the Stock-Exchange?—*A.* Yes.

Q. Do you know if it is the conſtant practice for jobbers to take minutes of every tranſaction?—*A.* We always make minutes of whom we have them of, but the Scrips are apt to mix, they are like ſuch a number of Bank-notes.

Croſs-examined by Mr. Giles. *Q.* Though you do mix your Scrip, you take minutes of whom you receive them?—*A.* Yes.

Q. If you were to make a depoſit of Scrip with a third perſon for a principal, ſhould you not take an account of whom that principal was?—*A.* Yes; but Scrip is as negociable as Bank-notes.

The priſoner called Meſſrs. James-Palmer Hobbs, —— Neſbitt, William Briant, and James Longman, who had known him fifteen or ſixteen years, and gave him an excellent character.

GUILTY **Death.**

Tried by the London Jury, before
Mr. Juſtice LAWRENCE.

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107. JOHN BROWN was indicted for feloniouſly ſtealing, on the 4th of January, a flannel petticoat, trimmed with linen, value 5s. the property of William Prince.

MARTHA PRINCE *ſworn.*—I am the wife of William Prince, I live in Great Woodſtock-ſtreet; I had hung up my flannel petticoat in the front area, I had been waſhing on Thurſday the 4th of this month, I hung it out about three o'clock in the afternoon, I miſſed it about eight in the evening; a witneſs, who is here, detected the priſoner in taking it, he was taken and brought into the ſhop by Joſeph Wilſon, he had dropped the petticoat into the area again.

JOSEPH WILSON *ſworn.*—I am a publican, I live in High-ſtreet, St. Mary-le-bonne; about twenty minutes before eight o'clock, going paſt the corner of Great Woodſtock-ſtreet, I ſaw the priſoner, and another man with him, ſtanding at the corner; I did not take much notice of them at that time, till I returned in about ten minutes for ſome more porter, when I ſaw the priſoner and the other ſtanding in the ſame poſition as they were before; I went home and got ſome more porter, I live about 100 yards from the place, I had got a pot and three pints of beer, as I was going back again, Mr. Prince's is the corner houſe, the other man that was with the priſoner, was then ſtanding by the corner, by himſelf, I ſaw the priſoner with this line and hook to it, *(the hook was made with the prongs of a fork, with the points turned up.)* I ſaw him pulling ſomething up out of the area, I went cloſe to him, I heard him ſay to his partner, d—n me, Tom, I have got it, ſuppoſing me to be his companion, I waited a bit, and ſaw the petticoat come up to the iron rails, I ſaw that it was flannel, but did not know it was a petticoat, the iron rails lie flat, he had got it juſt above the iron rails; I then aſked him what he was about, and told him, I was ſure he had no buſineſs there; he kept winding up the line, and I immediately took him by the collar, he then immediately let go the line, and the petticoat, line and hook went into the area; I ſecured him, and the other man immediately ran away; I took him into the ſhop, and Mrs. Prince went down into the area, and brought up the petticoat, we could not find the line upon the priſoner, and we thought he had made away with it, but it was found the next morning in the area, and given to me; I aſked him what he was, and he ſaid, he was a ſilverſmith, how could we think of his doing ſuch a thing.

Q. Were you near enough to undertake to ſay, that it was a flannel petticoat?—*A.* I can ſwear it was flannel, and I ſaw him let it fall.

HENRY BATES *ſworn.*—I belong to St. Mary-le-bonne watch-houſe; the priſoner was brought into the watch-houſe by Wilſon, and two of our watchmen, on the 4th of this month, with a

petticoat

petticoat wet, *(produces it)*; I have had it ever ſince.

Q. (To Mrs. Prince.) You did not ſee the petticoat picked up?—*A.* No, the landlady of the houſe picked it up; ſhe is not here.

Q. Were all the things, that had been waſhed, your clothes?—*A.* Yes; an under waiſtcoat of my huſband's.

Q. Your petticoat, of courſe, would be larger than the waiſtcoat?—*A.* Yes; the waiſtcoat was remaining upon the line when I went to take the reſt of the linen in, which was as ſoon as I had recovered the alarm; the clothes hung within two yards of the top. *(The petticoat depoſed to by the proſecutrix).*

The priſoner ſaid, in his defence, that as he was going paſt the houſe he was apprehended.

GUILTY (Aged 25.)

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury, before Mr. Baron THOMPSON.

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108. MARIA HIPKIN, and ANN HIPKIN alias SCOTT, were indicted for feloniouſly ſtealing, on the 22d of November, a dimity petticoat, value 2s. a pair of linen pockets, value 3d. three linen ſhifts, value 8s. a cotton gown, value 8s. a muſlin petticoat, value 4s. three linen ſhirts, value 15s. a flounced muſlin petticoat, value 7s. a half muſlin handkerchief, value 1s. a jeannet waiſtcoat, value 10s. a muſlin waiſtcoat, value 10s. a linen pocket handkerchief, value 4d. a black velvet belt, value 2s. a ſilver tea-ſpoon, value 2s. three cotton petticoats, value 4s. and one linen ſheet, value 10s. the property of John Mackenzie.

MARIA MACKENZIE *ſworn.*—I live at No. 1, Tyſon-place, Kingſland-road; I am the wife of John Mackenzie, he ſells by commiſſion: The young woman, Maria Hipkin, came to lodge at my houſe, in November, ſhe did not ſtay quite a fortnight; on Friday the 22d of November, I miſſed the things mentioned in the indictment, *(repeating them)*; they were all dirty linen, in the cloſet in the two pair of ſtairs room, except a ſheet, which was in a box; ſhe was out when I firſt miſſed them, and when ſhe came home, ſhe ſaid ſhe knew nothing about it; I told her, on Sunday morning, that if ſhe would bring them back, and throw them down the area, I would not do any thing to her; on the Sunday evening, going up ſtairs, I was ſurprized to find the windows all open; I called to her, and found ſhe was gone; I had ſeen her in the room about a quarter of an hour before that, I think it was between ſeven and eight o'clock.

Q. How do you know ſhe had not gone down ſtairs, and gone out at the door?—*A.* We aſked her if ſhe wanted to go out any more that night; and ſhe ſaid, no; and we locked and bolted the doors; the other priſoner was the perſon that gave her a character, we did not know then that ſhe was her mother, ſhe frequently came backwards and forwards to ſee her.

Q. Did you ever find any part of your things again?—*A.* Yes, ſome at a pawnbrokers; laſt Friday week I heard that ſhe was taken up, I went, and found that ſhe had one of my petticoats, a ſtriped dimity, upon her, and a pair of pockets belonging to me, and a handkerchief round her neck belonging to me, but I did not take that, I have the others here; and at Mr. Gaunt's, the pawnbroker's, I found a ſhift, and other things; I found a round gown at Mr. Townſend's; and a ſtriped muſlin petticoat, and two ſhifts at Mr. Frith's.

Priſoner, Maria Hipkin. *Q.* What marks are there upon the things?—*A.* They are all my own make, the petticoat that ſhe had on, ſhe has altered the make of it; there is an iron-mould, and a ſeam in it, that I ſhould know it again by; and the round gown has got an iron-mould upon the front of it.

WILLIAM GAUNT *ſworn.*—I am a pawnbroker, No. 95, Shoreditch: The elder priſoner, the mother, has been very frequently pledging things at our ſhop; the daughter has ſometimes, but not ſo often as the mother; on the 25th of November, I took in this petticoat of one of the priſoners, but which I cannot tell.

JOSEPH FRITH *ſworn.*—I am a pawnbroker, *(produces a gown, petticoat, and two ſhifts)*; I received them of one of the two priſoners, I cannot ſay which, they both came at different times; two ſhifts on the 2d of December, and one petticoat; and upon the 5th of the ſame month, a gown; ſometimes they came together; one was pledged in the name of Scott, and another in the name of Williams; the petticoat was in the name of Scott.

Q. What did the old woman generally call herſelf?—*A.* I think, generally, in the name of Williams, ſometimes in the name of Scott.

Q. Did the old woman pawn any of theſe things in the name of Scott?—*A.* I do not think ſhe did.

SAMUEL HARPER *ſworn.*—I had the priſoner in cuſtody; the proſecutrix came to the office and ſaw the priſoner, ſhe was ſearched in another room, and ſome things found upon her which Mrs. Mackenzie ſaid were her's. *(The property was depoſed to by Mrs. Mackenzie).*

Maria Hipkin's defence. The things pledged, I never pledged; that petticoat Mrs. Mackenzie has ſworn to I have had three years; I was ſearched once before Mrs. Mackenzie, and every thing took off, one by one, beyond delicacy, even to my linen; I had the ſame petticoat on then, and ſhe never owned it.

Q. (To

Q. *(To Mrs. Mackenzie.)* Were you preſent when ſhe was ſearched?—*A.* No, I was not; the Juſtice ſaid, there was not proof enough, and I muſt bring her again when I had more proof.

Harper. She was not ſearched the firſt time, except her pocket, and them I ſearched.

The priſoners called two witneſſes, who gave them a good character.

Matia Hipkin, GUILTY (Aged 18).

Confined twelve months in the Houſe of Correction, and fined 1s.

Ann Hipkin, NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice LAWRENCE.

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109. JOHN MORRIS was indicted for feloniouſly ſtealing, on the 7th of December, 5l. 6s. 6d. in monies numbered, the property of Robert Sanderſon and Abraham Sanderſon.

Second Count. For ſtealing the ſame money, laying it to be the property of William Willey.

It appearing, in evidence, that the priſoner had been guilty of a fraud but not of a felony, he was

ACQUITTED.

Tried by the firſt Middleſex Jury, before Mr. Juſtice LAWRENCE.

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110. THOMAS PARTRIDGE and JOHN PRIEST were indicted for feloniouſly ſtealing, on the 12th of December, two truſſes of hay, value 2s. the property of George Dennett.

(The caſe was opened by Mr Knowlys).

GEORGE DENNETT *ſworn.*—I am a cow-keeper in Gray's-inn-lane; the priſoner, Prieſt, had been my ſervant four years, he had been in the yard ſeven years; the other priſoner had been a ſervant to me about two months: I had loſt hay five nights preceding this; I went into the hay-loft on the night of Monday the 11th of December, and counted the truſſes; on the Tueſday morning they were to go beyond Brentford for turnips, they were to go about two in the morning; I got up at four, and examined the loft, I miſſed two truſſes of hay, there were ſixteen the night before; they always have a ſufficient quantity of hay given them every night before they go a journey; when I got up, my foreman, Chorley, gave me information, and I immediately went to Hatton-garden office; in conſequence of that, I went on the road, and met them coming back with the waggon, and had them apprehended, we had two officers with us; I took Prieſt with one officer, and Partridge with the other; I aſked Partridge what he did with the hay that he took out in the morning; he heſitated ſome time, and ſaid, he did not take any out; I ſaid, it was of no uſe to deny it, for Chorley ſaw him take it out; he heſitated ſome time, and then told me he had ſold it to George, the oſtler, at the public-houſe at Bayſwater.

Q. At the time he ſaid this, was Prieſt within hearing?—*A.* No.

Q. Did you ever give him authority to diſpoſe of any hay to any body?—*A.* No.

Q. What is the value of two truſſes?—*A.* It coſt me four ſhillings; it was old clover.

Croſs-examined by Mr. Alley. Q. You took the priſoners before they had come back as far as Bayſwater?—*A.* Yes!

Q. I believe you told him, that Prieſt was a d——d raſcal, and he would tranſport him, but if he would tell you who the receiver was, you would let him off, becauſe he had a family?—*A.* No; I told him, I ſhould be glad to catch the receiver.

Q. Did not you ſay, you would not proſecute him, if he told you who the receiver was?—*A.* No, I did not; I ſaid, I would rather have the receiver than him.

Q. Did you not endeavour to make a witneſs of him before the Magiſtrate?—*A.* I aſked Mr. Bleamire's advice about it, and he was ſworn.

Q. In conſequence of that, the receiver was taken up?—*A.* Yes; but the Juſtice ſaid, there was not ſufficient evidence.

Q. Had you ſeen any hay given to theſe men for their journey?—*A.* Yes; I ſaw hay laid out for them the night before, more than the horſes could eat.

EDWARD CHORLEY *ſworn.*—I ſat up to watch the premiſes: About half an hour after two in the morning, I ſaw Prieſt unlock the loft-door, I had a view of both the ſtables and the loft; he called out to Partridge, who was about twenty yards from him, and then he gave Partridge a truſs of clover; and then Partridge took it to the ſtable; then Prieſt threw another truſs down, and Prieſt and Partridge took that into the ſtable; then they took the two ſhaft horſes out, and went to fetch the waggon out, they were going to the other ſide of Brentford; they put three truſſes of clover into the waggon; one truſs we always allow them over night, which is plenty for the horſes during their journey; then they put the other horſes to, and drove off; I followed them till they got to Bayſwater, and there they made a ſtop; one was in the waggon, and the other driving; the driver took out one truſs of hay, and threw it into the public-houſe yard, at Bayſwater, and then he came back again, and took another truſs, and took it into the ſame yard; then he took his whip, and went off directly, the other two remained in the waggon; then I went into the yard to ſee if I could find it, I could ſee nobody up; I found one of the truſſes ſtanding up end-ways in the corner, but the other I could not find; I came back and told my maſter, and he got two officers, and we went to meet them.

Croſs-

Croſs-examined by Mr. Alley. Q. How many horſes were there?—*A.* Six.

Q. How many miles is it to the place where they were going for the turnips?—*A.* Ten or a dozen, I believe.

Q. Is one truſs ſufficient for ſix horſes?—*A.* Yes, plenty.

Q. Were there any other horſes in the ſtable at the time they took the truſſes into the ſtable?—*A.* Yes; and I afterwards ſaw them put them into the waggon.

Q. What diſtance might you be from the men, when you ſaw them at Bayſwater?—*A.* Not one hundred yards.

Q. Then if you could ſee them, they could ſee you?—*A.* They might, I cannot ſay.

Q. When you went into the yard, you could find but one truſs?—*A.* No; where the other was depoſited, I do not know.

Court. Q. Did you look to ſee if the loft door was locked before you went after them?—*A.* Yes, it was.

GEORGE LONGDEN *ſworn.*—I am an officer belonging to Hatton-Garden; I took Partridge into cuſtody, and my brother officer took the other; when I brought Partridge along with me, before we got to Bayſwater, he ſaid, his partner and him had once or twice before ſtole hay from their maſter, and he ſaid, it was his partner that perſuaded him to do it, they were taken to the office and committed.

Croſs-examined by Mr. Alley. Q. What did you ſay to Partridge before this?—*A.* I aſked him how he could be guilty of ſuch a thing, to rob his maſter.

Q. Was Mr. Dennett preſent?—*A.* Not at that time.

Q. You heard him ſay ſomething about the receiver?—*A.* I did not hear of that till afterwards.

Q. Do you mean to ſay, the man accuſed himſelf without any temptation being held out to him?—*A.* Yes.

Partridge's defence. It is very falſe about two truſſes of hay being taken out of the loft, there was but one.

Prieſt's defence. There was but one, and I never took a bit out of the yard.

The priſoner Prieſt called two, and Partridge three witneſſes, who gave them a good character.

Partridge was recommended to mercy by the proſecutor, on account of his having a large family.

Partridge, GUILTY (Aged 52.)
Confined ſix months in the Houſe of Correction, and fined 1s.

Prieſt, GUILTY (Aged 50.)
Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury, before Mr. Baron THOMPSON.

111. THOMAS PRESSELL was indicted for feloniouſly ſtealing, on the 14th of December, two coach cuſhions, value 7s. and a coach cloth, value 1s. the property of Robert Gunter.

ROBERT GUNTER *ſworn.*—I am a hackney-coachman: On the 14th of December laſt, I was ſtanding at Bethnal-green, oppoſite the Peacock; about nine o'clock in the evening, while I was in the houſe, a man came and told me the coach doors were open, I went out with a candle, and found two coach cuſhions gone, and a cloth, the two cuſhions that were on the road ſide were gone; next morning, between eight and nine, in Cat's-head-court, Orchard-ſtreet, Weſtminſter, at the priſoner's houſe, I found the cloth under his pillow, he was in bed; the conſtable took it from under his head; we found the cuſhions ſoon after, in one Mrs. Webb's coal cellar, in the ſame court, a conſiderable diſtance from the houſe; when I took the conſtable into the houſe, and found the cloth, he denied knowing any thing about it; I told him, it would be a great loſs to me, being a poor man, and I ſhould be glad if he would let me have my property; he ſaid, he knew nothing at all about it, and we took him to the Juſtice's; about half an hour after that, in conſequence of the information of a man that came there, we went to Mrs. Webb's, and found the cuſhions in her cellar, I never ſaw the priſoner before.

MARY SHYERS *ſworn.*—I keep the Peacock, at Bethnal-green; I do not know any thing of the priſoner, more than that he has called at our houſe ſeveral times; the priſoner was at our houſe on Friday, when the coachman loſt his cuſhions; I ſaw him firſt about ſix o'clock, he went away about nine, or between eight and nine, I ſaw him afterwards in the road, near Shoreditch, between nine and ten, in a little cart, my brother put his little boy into the cart, and in getting out, he threw out ſomething like a coach ſeat, and I took it up, and gave it him again.

ELIZABETH WEBB *ſworn.*—I live in Cat's-head-court, Orchard-ſtreet; on Friday the 15th of December, the daughter of the priſoner came in about nine in the morning, and aſked leave of me to put lumber into my coal-cellar, that her father brought home the night before in a cart; I gave her the key, ſhe carried a ſack out of her father's houſe, that appeared to me to be full.

WILLIAM MESSENGER *ſworn.*—I am a conſtable belonging to Queen-ſquare, *(produces the property;)* I found this horſe-cloth under the priſoner's head, in bed, and theſe two cuſhions in a bag, in the laſt witneſs's coal cellar, on the 15th of December, about eleven o'clock, there were two more coach cuſhions in the ſame bag.

Gunter. Theſe are my property.

Priſoner's defence: Going to the Juſtice's, the coachman

coachman ſaid, he could not take upon himſelf to ſwear to the cloth; and Meſſenger ſaid, he muſt ſwear to ſomething, or elſe he could not recover any thing.

Gunter. I never ſaid I could not ſwear to it.

The priſoner called four witneſſes, who gave him a good character.

GUILTY (Aged 56.)

Confined twelve months in the Houſe of Correction, and fined 1s.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice LAWRENCE.

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112. MATTHEW PAUL was indicted for feloniouſly ſtealing, on the 29th of December, a metal candleſtick, value 2s. the property of Thomas Carrick.

THOMAS CARRICK *ſworn.*—I am a publican in the Broadway, Weſtminſter; the priſoner came to lodge in my houſe, about five days before I loſt my candleſtick: On the 29th of December, about nine in the morning, I put the candleſticks myſelf to the tap-room fire, to melt the greaſe out for the ſervant to clean; I went out of that room into the bar; ſoon after, I returned to ſerve a pennyworth of purl to a drummer, and went back into the bar; in a few minutes, I had occaſion to go into the tap-room, and miſſed one of the candleſticks.

Q. Have you ſeen it ſince?—*A.* Yes, it is in Court; the priſoner was ſtanding in the tap-room at the time, and nobody elſe was there except the drummer; I took him in Tothill-ſtreet, with the candleſtick in his pocket.

WILLIAM MESSENGER *ſworn.*—I apprehended the priſoner, and found the candleſtick in his pocket; he ſaid, diſtreſs drove him to it.

Proſecutor. I know this to be my candleſtick.

Priſoner's defence. I was very much diſtreſſed, I own I took it, but I was ſtarving for two or three days before.

GUILTY (Aged 40.)

Confined ſix months in the Houſe of Correction, and fined 1s.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice HEATH.

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113. JOHN DAVIS was indicted for feloniouſly ſtealing, on the 3d of October, 72 ſilver table-ſpoons, value 60l. 36 ſilver deſert ſpoons, value 18l. 72 ſilver four pronged forks, value 60l. and 18 pair of ſilver ſhoe-buckles, value 18l. the property of David Scott, William Fairley, and William Lennox, in a certain veſſel, called a hoy, belonging to the Eaſt-India Company, upon the navigable River Thames.

The indictment was ſtated by Mr. Knapp, and the caſe by Mr. Conſt.

DUNCAN URQUHART *ſworn.*—*Examined by Mr. Knapp.* I am a ſilverſmith, on Clerkenwell-green; I have a partner of the name of Hart—

Q. Were you employed by the proſecutors to make any plate for them?—*A.* Yes, I was; Meſſrs. Scott and Company; they were finiſhed by the 3d of October; 6 dozen of forks, 6 dozen of table-ſpoons, 3 dozen of deſert-ſpoons, 24 pair of ſilver buckles, 6 dozen of tea-ſpoons, and 12 punch-ladles; I packed them up myſelf, and nailed the box up myſelf, and corded it; I marked it, H. M, 693; I left the box at home with my partner, Mr. Hart, and went down to the Cuſtom-houſe, to make my entry; Mr. Hart afterwards ſent it down to me; this was on the 3d of October, it arrived there about one o'clock; Greenfield, our porter, brought it there, Mr. Hart did not come with him; the box appeared to be exactly in the ſame ſort of ſecurity as when I left it; it was too late to find the Searchers then, and we left it with Greenfield till after dinner; at three o'clock, when I returned to the Cuſtom-houſe, it appeared to be in the ſame ſtate then; Greenfield was there; the Searchers then had it examined up in there warehouſe, and I went with them, and looked them over, and they correſponded with my liſt exactly; it was then locked and corded up again as before, with the addition of the Cuſtom-houſe ſeal; I and Greenfield went to Botolph-wharf, where I delivered it to Mr. Reeves, and came away.

Q. Have you ſeen any part of that property ſince?—*A.* Yes; I ſaw the forks and ſome of the ſpoons, at the Public-office, in Bow-ſtreet, on Wedneſday, the 11th of October; they were part of the goods I had put in the box for Meſſrs. Scott and Company; and afterwards ſome buckles I ſaw at Bow-ſtreet, at another examination, which were alſo a part of thoſe goods, and 2 table-ſpoons, and 2 deſert-ſpoons, in the cuſtody of the ſame officer. Our order was to ſend them to Botolph-wharf; in conſequence of ſome information, I went, on Tueſday, the 10th of October, to Graveſend; I went on board the Anna Indiaman, commanded by captain Gilmour, I applied to the commanding officer, who was the chief mate, the captain not being on board, and the box that I had packed up was produced; it was nailed and corded as I had left it, but the bottom appeared to have been taken out; I opened the box, but did not find the things contained in it that I had packed up; I miſſed 6 dozen of table-ſpoons, 6 dozen of forks, 3 dozen of deſert ſpoons, and 18 pair of buckles; the articles that remained were in the box, in the ſame papers that I packed them in; I nailed the box up again, and left it in the care of the ſame perſon, who had had the care of it before.

Court. *Q.* Is the chief mate here?—*A.* No.

Croſs-

Croſs-examined by Mr. Knowlys. Q. I think it was the 3d of October that you delivered this to the hoy, at Botolph wharf?—*A.* Yes.

Q. What day was it you went down to the ſhip Anna?—*A.* The Tueſday following, the 10th.

Q. She was lying at Graveſend?—*A.* She was lying four miles nearer London.

Q. Then that muſt have been in the county of Kent or Eſſex, one of the two, according to which ſide of the river ſhe laid neareſt to?—*A.* I cannot ſay.

Q. How many does the crew of an Eaſt-India ſhip conſiſt of—about 100, is it not?—*A.* I believe it is.

Q. I ſuppoſe you do not know, of your own knowledge, where the Eaſt-India ſhip lay, when you conveyed this cheſt on board?—*A.* No.

Q. Have you ever had a receipt from the captain?—*A.* No.

GILSON REEVE *ſworn.—Examined by Mr. Conſt.* I am ſhipping-officer of the Eaſt-India warehouſe, at Botolph-wharf: I perfectly recollect Mr. Urquhart bringing a box, numbered H. M. 693, ſaid to contain plate; I ſhipped it off within half an hour, it was never out of my ſight; I delivered it to a confidential man of our's, of the name of Coe, to carry it on board the hoy, it was the Madras hoy, which lay directly oppoſite the warehouſe, near Billingſgate.

Croſs-examined by Mr. Knowlys. Q. You did not ſee him actually put it on board the hoy?—*A.* No, I delivered it to him to carry there.

WILLIAM COE *ſworn. — Examined by Mr. Knapp.* I am a porter: I was employed by Mr. Reeves, on the 3d of October, to put a box on board the Madras hoy; I ſhipped it inſtantly on board the hoy, in the preſence of the commander, captain Pow, James Taylor, and the priſoner, John Davis.

JOHN POW *ſworn.*—I am commander of the Madras hoy; On the 3d of October, I perfectly well remember the laſt witneſs putting a box on board my veſſel, in the preſence of Davis, the priſoner, myſelf, James Taylor, and one Mr. Stiff, an officer belonging to the India-houſe; ſhe lays near the bottom of Botolph-lane, Billingſgate; the box was put into the hold, there were five bars to lay over the hatches, to ſecure the goods in the hold, which are locked down; after they were locked down, Mr. Stiff carried the key away with him to the Eaſt-India office, where the key is always depoſited; I left the veſſel about ſix o'clock, this was about five; I left Taylor and the priſoner on board; the priſoner's duty was to ſleep on board, to watch and ſee after the veſſel, for the ſafeguard of the veſſel; Taylor was a ſervant of mine, he had no orders from me to leave the veſſel; the next morning, Thurſday, the 4th, I went on board about half after nine oclock; before I went on board, the priſoner came to me with the keys; the keys were brought to me as uſual, wrapped up in cartridge paper, and ſealed and directed; I underſtood that he had juſt come from the India-office, with the keys; I took them on board the Anna Indiaman, about four miles on this ſide Graveſend; we lay along ſide the ſhip all the Thurſday, and did not begin to unload till the Friday morning, it was impoſſible the box could then have been removed, becauſe the goods were locked down under five bars; I broke the ſeal open, and gave up my keys; I unlocked the hatches, and took out this box, and carried it upon the quarter-deck myſelf, and left it upon the capſtern; the chief mate of the Anna was there, he was commanding officer; I took my receipt for it, and came back again.

Croſs-examined by Mr. Knowlys. Q. When you delivered it on board the ſhip, the commanding officer at the time, gave you a receipt, and diſcharged you of the care of it?—*A.* Yes.

Q. That he did without any difficulty at all?—*A.* Yes.

Q. Therefore that diſcharged you of that part of the cargo?—*A.* Yes.

Q. How long has this man worked for you?—*A.* Three or four years.

Q. It was a ſituation of conſiderable truſt —*A.* No; only as a working man; I never heard any thing againſt him before this.

Q. I believe he has a wife and a number of children?—*A.* Five or ſix, I believe.

Q. Did you not know, at this time, he was rather in arrears, and afraid of bailiffs?—*A.* I do not recollect that; I know I have relieved him when he has been low.

Q. During the time this India ſhip lay in the way in which you found her, a great many had acceſs to the ſhip, had not they?—*A.* Yes.

Court. Q. Did the priſoner go on board the hoy to this India ſhip?—*A.* No; he went down as far as Cuckold's Point, pretty near as far as Deptford, and then he left the hoy, and ſaid, he had got a ſon he wanted to bind apprentice, and ſhould be glad if I could ſpare him.

Court. Q. Did you ſend the priſoner on that day for the keys?—*A.* I did not.

JAMES TAYLOR *ſworn.*—I am ſervant to the captain: I was with my maſter when this box came on board, I ſaw it ſtowed in the after part of the veſſel, on the larboard ſide, the priſoner was preſent at that time; Mr. Pow, and Mr. David Stiff, the ſurveyor, they were upon deck, to ſee where we ſtowed the goods; after it was locked up, I had had no victuals, I left the veſſel at five o'clock, I did not return till between twelve and one

one; I left John Davis on board, it was his duty to take care of the veſſel, there was nobody elſe in the veſſel while I was gone; when I came back, I found the veſſel ſhifted to another tier, becauſe another veſſel was come in to load in her room; and when I went on board, John Davis was not there, there was no ſoul on board; but every thing was very ſafe, I looked to ſee.

Court. Q. The veſſel was not moved to the other ſide of the river—ſhe did not go over mid-channel?—*A.* No, only ſhifted from one tier to another; I went to ſeek for him at a public-houſe, the Dark-houſe, in Dark-houſe-lane; I drank once with him, and then he and I went on board together, and went to ſleep very quietly, till eight o'clock in the morning.

Croſs-examined by Mr. Knowlys. Q. You were to have ſtaid on board by your maſter's directions as well as Davis?—*A.* No, we took it by turns; we had the liberty to go on ſhore to get a pint of beer, but not to ſtay long.

Q. When you came on board, you looked and found every thing perfectly ſafe?—*A.* Yes; every thing locked down ſafe, fore and aft.

Q. You found him at the houſe that you generally uſe when you go to refreſh yourſelves?—*A.* Yes.

Court. Q. You expected to find him there?—*A.* Yes.

Court. Q. It was no uncommon thing, then, for him to go to that houſe to get ſome beer?—*A.* No.

Q. There was nothing ſingular in his going there?—*A.* No.

DAVID STIFF *ſworn.—Examined by Mr. Conſt.* I am ſurveyor of the Eaſt-India-office: On the 3d of October, I was on board the Madras hoy when William Coe brought a box on board, I ſaw it in the hands of John Davis, he ſtowed it below, and after that, I ſaw the hatches locked down; I took the keys on ſhore to our office, and there ſealed them up, I put them on the deſk; between five and ſix o'clock, John Davis came in for them, and, I believe, had them, I did not give them to him with my own hand; but I am pretty ſure that I ſaw him in the office, I am not quite certain, we were very buſy.

Q. What time do you open in the morning?—*A.* Sometimes at five, and ſometimes at ſix; there is no regular hour.

Croſs-examined by Mr. Knowlys. Q. Is it cuſtomary for them to call for the keys when the loading is complete?—*A.* Yes; we inſpect them, and they are ready for them.

Q. Sometimes the maſter calls, and ſometimes the man?—*A.* Yes; juſt as it happens.

Q. Therefore there was nothing more extraordinary in the man calling than the maſter?—*A.* No.

Q. Theſe keys, when you take them into your cuſtody in the office, are ſealed up in a paper till they go to the ſhip?—*A.* Yes, that is the intention of it.

Q. And after the hoy arrives at the ſhip, then the paper is delivered, and the ſeal broke by the commanding officer of the ſhip?—*A.* Yes.

Q. That is the regular courſe of buſineſs, that the commanding officer breaks the ſeal, and takes the keys, and the hoy is not opened till then?—*A.* The hoy is not opened till then.

Mr. Conſt. Q. Did you ſee the keys after you ſuppoſe Davis had them?—*A.* The next morning I ſaw the captain of the hoy, and I told him, Davis had got his orders and his keys; and he told me he had them.

Court. Q. How many ſeals do you put on?—*A.* One.

Court. Q. Where is the India-Houſe ſeal kept?—*A.* It is kept in a drawer in the office.

Court. Q. Did the priſoner know where the ſeal was kept, and the manner in which this buſineſs was conducted?—*A.* I believe he did.

Q. So that if he had broke the ſeal he might have put another on?—*A.* Yes.

Q. There are many rooms about the office?—*A.* No, only two; one office above ſtairs, and one below.

Q. Are there fires in both offices?—*A.* Yes; the door of the office is left open for any body to go in, as occaſion may require.

Q. And any perſon can go into any of the rooms of it?—*A.* To the lower office.

Q. Is that ſeal in the upper or the lower office?—*A.* The lower part.

THOMAS PAINTER *ſworn.*—I am a publican, in Jacob-ſtreet, Bermondſey: I know the priſoner very well, I have known him three or four years; he has uſed my houſe, ſometimes once a week, ſometimes once a fortnight, juſt as he was at home, he belonged to captain Pow's hoy; I ſaw him on the 3d of October, between ten and eleven o'clock at night, I was in bed and aſleep when he came to my houſe; he ſaid, I have got ſome things; I aſked him what things; and he ſaid, prize goods; I aſked him what goods; and he ſaid, plate; and aſked me to let him leave them for two or three days, till he returned from Graveſend; I told him, he might leave them there and welcome; he pulled out ſpoons, forks, ſhoe-buckles, and breaſt-buckles; I told him to count them, that there might be no miſtake when he came to take them away, and he put the number of each down in his pocket-book; I did not ſee what the numbers were, I was not out of bed; I aſked him what he would have to drink; and he ſaid, a ſhillingſworth of brandy and water; I deſired my wife to put them away, and ſhe put them away in a little box in the ſame room;

Davis

Davis ſad to me, I want ſome money; ſays I, I have got none, money is very ſcarce; ſays he, I am going to Woolwich to-morrow to bind my boy apprentice, and I have nothing but what I ſtand upright in, and I cannot go without money; he ſaid, he was to have gone the next day with the hoy, but he had got leave of his maſter to go to bind his boy, and he had got a man to go in his room with the hoy; my wife came up with the brandy and water, and I deſired her to look in the drawer and ſee what money ſhe had got, and ſhe and I, between us, made up ten pounds, and lent it him; he ſaid, if I ſhould want money, I might pledge them, but I did not pledge them; the laſt words he ſaid, when he went away, were, if you can ſell them for me do againſt I come back; I ſaid, if I could I would; in about three days time, I called one Levi, a Jew, and ſold him near eighty ounces of ſilver, it came to nineteen pounds nineteen ſhillings, at five ſhillings per ounce, the ſpoons and buckles.

Q. Were thoſe ſpoons and buckles part of the the things you received from Davis?—*A.* Yes; two days after that, I think, the 7th of October, I ſold as many goods to Fenham, a waterman, as came to 21l. at 5s. per ounce; he came again the next day, the 8th, and had the remainder of the ſpoons and forks, that brought me 32l. he took them hap-hazard, without weighing or any thing, juſt as they came; I then had left 2 pair of ſpoons, and 2 pair of buckles, which I gave to the Police-officer, when he came to me; in about ten days from the time Davis left the goods, he came to me in the afternoon, and aſked me if I had done any thing with the goods; I told him, yes, I had ſold part of them to Fenham, and part to another man, and if he would ſtop, I would give him the money; I went up ſtairs, and brought him 60l. and what he had had before, made 70l. I believe there were 76l. and he gave me the reſt, and aſked me if I was ſatisfied; I told him I was, if he was, and he ſaid, he was, for he did not expect ſo much money for them; he was to call again for the remainder of the things, which Riley, the conſtable, has now got.

Croſs-examined by Mr. Knowlys. *Q.* I do not know, whether I dare aſk you, if you are an honeſt man, that will be rather too hard for you, and therefore I will come to ſomething elſe—what is your ſign?—*A.* The Three-tuns.

Q. Pretty near the water-ſide?—*A.* Yes, in the day-time; becauſe there is a thoroughfare through it.

Q. How long have you been acquainted with Fenham?—*A.* Two or three years.

Q. Who was the Police-officer that came to yonr houſe?—*A.* Riley and Elby.

Q. They were old acquaintances of your's, I believe?—*A.* I have known Riley many years; I knew him when he was an apprentice.

Q. This was not the firſt time that your houſe has been ſearched?—*A.* Never before.

Q. Were there never any lumpers taken out of your houſe?—*A.* No.

Q. Your friend, Fenham, is a little in trouble, is not he?—*A.* No.

Q. Perhaps you might have ſtood once, where the priſoner now ſtands?—*A.* Yes, for ſtealing three or four pounds of ſugar; I am not the worſe man for having been acquitted, it was fifteen or ſixteen years ago.

Q. Perhaps, you never heard, that it is a common practice for the lumpers to bring ſugar to the public-houſes at the water-ſide?—*A.* They never brought any to me.

Q. You never heard of ſuch a thing?—*A.* I may have heard of many things that I never knew any thing about.

Q. But lumpers never come to your houſe?—*A.* No.

Q. You ſwear that?—*A.* Yes.

Q. Were there never any lumpers came to your houſe?—*A.* Not with any property.

Q. There are a great many lumpers come to your houſe?—*A.* I have not had any lumpers, I ſuppoſe, theſe five or ſix months to my knowledge, without a ſtrange man comes in and has a pint of beer.

Q. And you never receive any preſents—a little ſugar now and then?—*A.* Never.

Q. You never ſtaid out of the way, perhaps, about this buſineſs?—*A.* Yes, I did.

Q. About this very buſineſs, did you?—*A.* Yes, I did.

Q. How long did you ſtay out of the way?—*A.* Seven or eight weeks, I believe.

Q. People were wicked enough to ſuſpect you, perhaps, you had heard the officers were coming after you?—*A.* Yes.

Q. And you, like an honeſt man, ſtaid out of the way for ſeven or eight weeks?—*A.* I had a very good reaſon for it.

Q. I do not doubt that at all, you are juſt by the water-ſide yourſelf?—*A.* Yes.

Q. Your friend, Fenham, keeps a boat, does not he?—*A.* Yes.

Q. You have been in a boat with him too?—*A.* Not theſe eighteen months.

Q. So you ſtaid out of the way ſeven or eight weeks about this very charge?—*A.* Yes.

Q. This was the 3d of October, that you ſaw the priſoner?—*A.* Yes.

Q. How do you know it was the 3d of October?—*A.* Very well.

Q. Tell me why?—*A.* I generally look at the newſpaper, and I can tell whether it is 3d or 4th.

Q. How

Q. How do you know that the time this man came to your houſe was the 3d of October?—*A.* By making a minute of it.

Q. Did you make a minute of it?—*A.* I do not underſtand what you mean by a minute.

Q. Then how came you to uſe the expreſſion?—*A.* I only go by the calculation of my head.

Q. Did you not tell me you made a minute of it?—*A.* I mentioned that word.

Q. Did you make a minute of it?—*A.* No further than in my head.

Q. Did you not tell my Lord, that you did not take any note of the day, when he aſked you what day Levy called?—*A.* I ſaid two or three days after.

Q. Then how do you know it was the 3d or 4th?—*A.* I am not particular to know whether it was or not.

Q. Will you ſwear it was earlier than the 10th?—*A.* Yes; I am very ſure of it.

Q. By what means do you know it?—*A.* By my head; I never make any writing, or any thing of the kind.

Q. You never do make a minute in writing?—*A.* No; I can hardly write my own name.

Q. Then you will not ſwear it was the 3d, 4th, 5th, 6th, or 7th?—*A.* I will ſwear it was either the 3d or 4th.

Q. You have no other reaſon for knowing it, but your head?—*A.* No.

Q. When you were out of the way from the officers, you were at the houſe of a Mr. Kenyon, a flax-dreſſer, I believe, by Rotherhithe?—*A.* Yes.

Q. Upon your oath, were you not confined as a lunatic?—*A.* I was.

Q. So much for the ſtrength of your head—you have been confined likewiſe, before that, in fits of lunacy?—*A.* I have, at home.

Q. When was it, that it was diſcovered where you were?—*A.* In three weeks, as near as I can tell.

Q. Can you tell me the day of the month when you were taken up?—*A.* No.

Q. Did not you make a note of that in your head too?—*A.* No; I do not particularly know the day, it was of a Saturday.

Q. Then, the only note you ever make in your head, is the 3d of 4th of October?—*A.* The 3d or 4th.

Q. You were taken up then?—*A.* No; I reſigned myſelf up.

Q. Who found you out?—*A.* I ſent to the officer, and reſigned myſelf up.

Q. And then you fixed it upon this man?—*A.* Yes.

Q. And let your friend, Fenham, out?—*A.* My friend, Fenham, was the firſt that gave evidence againſt me.

Mr. Knapp. Q. When you were tried at the bar of this Court, you were acquitted?—*A.* Yes.

Q. My leard Friend did not like to have the reaſon why you did not ſurrender yourſelf, now let us have the reaſon?—*A.* I ſent to Mr. Baldwin, the ſecretary of the Duke of Portland, that I was willing to come forward, and he ſaid it was of no uſe my coming forward, without I could find Davis, and Davis was apprehended in my houſe, at my inſtigation, and then I came forward.

JOSEPH LEVY *ſworn.—Examined by Mr. Conſt.* Q. You know the laſt witneſs, Painter?—*A.* Yes.

Q. Where do you live?—*A.* In Tooley-ſtreet, in the Borough; I bought ſome plate of him, ſome time in the month of October; I bought ſome ſpoons and buckles of him, new, 79 ounces, 18 penny-weights, I paid 19l. 19s. 6d. for it.

Q. What became of them?—*A.* I ſold them to different cuſtomers that came to my ſhop.

Q. You have ſold them all, there are none left?—*A.* No.

Q. We cannot, through you then, get at any of theſe things?—*A.* No, I have ſold them all.

Q. Perhaps, the next day?—*A.* No.

Q. Perhaps, ſince the examination?—*A.* No; before the examination.

Croſs-examined by Mr. Knowlys. Q. I ſuppoſe Painter has a good deal of dealings in new plate?—*A.* I never had any dealings with him in my life before.

JOHN FENHAM *ſworn.—Examined by Mr. Knapp.* Q. Do you know the priſoner?—*A.* I never ſaw him, till I ſaw him at Bow-ſtreet.

Q. Perhaps you know the honeſt gentleman who is juſt gone down, Mr. Levy?—*A.* No; I never ſaw him to my knowledge.

Q. Do you know Mr. Painter?—*A.* Yes.

Q. Did you ever buy any plate of him?—*A.* I ſold ſome for him, in the beginning of October; ſome forks, ſome ſpoons, and ſome breaſt-buckles, I paid him at the rate of 5s. an ounce for them; I received from Mr. Windſor 66l. I had ſixpence an ounce for ſelling them for him; I ſold them to Mr. Windſor, at 5s. 6d. an ounce, and I paid Mr. Painter all but the ſixpences.

Croſs-examined by Mr. Knowlys. Q. This plate you had in the county of Surrey?—*A.* Yes; in Jacob-ſtreet, from Painter.

Q. How long have you been acquainted with your friend Painter?—*A.* Two years.

Q. So he very kindly gave you ſixpence an ounce to ſell it for him?—*A.* Yes.

Q. So you, for the trouble of walking to Mr. Windſor's, had ſixpence an ounce for ſelling this new plate?—*A.* I did not underſtand the value of it.

Q. But you underſtood the ſixpence an ounce—you keep a boat, and now and then aſſiſt in unloading

loading West-India ſhips of ſugar?—*A.* No, coals and other things I have

Q. You never aſſiſt in unloading Weſt-India ſhips?—*A.* No; I have attended on ſhips as a waterman.

Q. Do you know any perſons of the name of Falkner?—*A.* Yes; I am accuſed of that now.

Q. Where are they now?—*A.* In Newgate.

Q. You are accuſed, perhaps, of going with them?—*A.* I am accuſed of lifting it up upon their backs, cloſe to the ſhip.

Q. Do not you know that there are warrants out againſt you?—*A.* I am in cuſtody already, I came here in cuſtody.

Q. Perhaps you are committed to take your trial?—*A.* Yes, in the county of Surry.

Q. And you and Painter have been cheek by jowl for theſe two years?—*A.* I do not know what you mean.

Q. When did you ſee him laſt?—*A.* I have not ſeen him theſe two months.

Q. No, becauſe he has been playing at hide and ſeek?—*A.* Not for two months before that.

SOLOMON WINDSOR *ſworn.—Examined by Mr. Conſt.* I am a dealer and chapman.

Q. Do you remember dealing with Fenham for any thing laſt October?—*A.* Yes, I do; ſome plate; forks and ſpoons, (I had no buckles), to the amount of between 60 and 70l.

Q. What became of thoſe articles?—*A.* I ſold them to one Mr. Abrahams, in a public coffee-houſe, where there were, I ſuppoſe, twenty or thirty people.

Mr. Knowlys. *Q.* You had theſe from Fenham?—*A.* Yes.

HENRY ABRAHAMS *ſworn.—Examined by Mr. Knapp.* I live at No. 21, Bevis-Marks: I have known Mr. Windſor from a child; I bought ſome plate of him, I believe, about two months ago; Mr. Parker can tell beſt, becauſe I ſold them to him the next day, and he put them down in his book; there were a dozen deſert-ſpoons, and 3 dozen, or 3 dozen and a half of ſilver forks.

Q. What Parker is this?—*A.* A ſilverſmith, in Fleet-ſtreet; all that I bought of Mr. Windſor, I ſold to Mr. Paker.

Mr. Knowlys. *Q.* You had theſe from Windſor?—*A.* Yes.

THOMAS PARKER *ſworn.—Examined by Mr. Conſt.* I am a ſilverſmith, in Fleet-ſtreet: I bought, on the 9th of October, of Henry Abrahams, ſome forks and ſpoons, which I produced at Bow-ſtreet; I bought them in my own ſhop, in Fleet-ſtreet. *(Produces a dozen of them).*

Court. *Q.* Have you kept them ſeparate ever ſince they were produced at Bow-ſtreet?—*A.* No; they have been expoſed to ſale in the ſhop, I have ſold a great many of them.

Q. What ſince they were ſworn to at Bow-ſtreet?—*A.* Yes, a great many of them; I underſtood from the Magiſtrate, I might ſell them.

Q. Upon your oath, will you ſwear that?—*A.* Yes; I had no inſtructions then to keep them.

Croſs-examined by Mr. Knowlys. *Q.* Is there any mark upon them by which they can be identified?—*A.* Every man muſt put his initials upon them, and a letter for the date of the year, before it goes to the Hall, and if it has not that mark, they will not ſtamp them.

Court. *Q.* Did you put theſe amongſt others, or can you ſwear you bought them of Abrahams?—*A.* I can ſwear I had them from Abrahams.

JOHN RILEY *ſworn.*—I am a police officer, at Shadwell: On the 23d of December laſt, I went to Painter's houſe, and received from him, two pair of deſert-ſpoons, and two pair of buckles, *(produces them)*; they have been in my poſſeſſion ever ſince; I apprehended the priſoner, on Monday, the 18th of December, at the Three Tuns, Jacob-ſtreet, Bermondſey, Painter's houſe; there was no converſation, the man behaved extremely well; I ſearched him, but found nothing upon him but a 2l. note.

Croſs-examined by Mr. Knowlys. *Q.* Did not you ſearch his houſe too?—*A.* Yes, about a month before, and found nothing.

Q. You know Fenham very well?—*A.* Yes; I have known him and Painter ſome years.

JAMES M'CULLAGH *ſworn.—Examined by Mr. Conſt.* I am agent of Meſſrs. Scott, Fairly, and Lennox; they have no other partner, their names are David Scott, William Fairley, and William Lennox: I gave the order to Meſſrs. Urquhart and Hart, ſilverſmiths, on Clerkenwell-green, for theſe articles of plate; they were to be delivered at Botolph-wharf.

Mr. Knowlys. Is there not another partner in India?—*A.* No; Scott and Lennox, in England, and Fairly, at Calcutta.

Urquhart. I know theſe are the forks that were made for David Scott and Company, from the 18th of Auguſt; I had been out of town before that; to the preſent time, we have made no forks but what were in that box; they have been made ſince the 6th of July, having the new duty mark upon them; my partner will prove that there were none made while I was out of town; theſe ſpoons I can ſpeak to for the ſame reaſon as I have to the forks.

Mr. Knowlys. *Q.* What were made from the 6th of July to the 18th Auguſt, you do not know?—*A.* No.

NAPTHALI HART *ſworn.—Examined by Mr. Conſt.* I am partner with Mr. Urquhart, he was out of town from before the 6th of July to the 18th of Auguſt: Theſe were made by us for Meſſrs. Scott and Company.

Q. Do

Q. Do you know whether you made any others of the ſame ſort, and ſame mark, in every reſpect, ſince the new duty took place?—*A.* I am certain we never made a fork of that ſort, with a bevelled edge, ſince the new duty took place, except theſe; and theſe ſpoons have been made ſince the new duty took place.

Court. (To Stiff.) Q. What time did you leave the office?—*A.* About ſix o'clock, as nigh as I can recollect.

Q. What is the uſual time of locking up the office?—*A.* Sometimes early, ſometimes late.

Jury. Q. Is there any particular time for the hoy-men taking away the keys?—*A.* No; it depends upon the tide.

Q. Do you lay the keys for anybody to come and take that pleaſes?—*A.* Yes; I have done my duty when I have ſealed them up.

The priſoner left his defence to his Counſel.

GEORGE KENYON *ſworn.—Examined by Mr. Knowlys.* I am a rope-maker, at Rotherhithe.

Q. Do you recollect Painter coming to your houſe?—*A.* Yes.

Q. How was he, as to his ſenſes, when he was there?—*A.* He ſeemed very well when he came about nine week ago; but about two days, or upwards, he was quite delirious.

Q. Did you know him before, whether he was accuſtomed to fits of madneſs?—*A.* I did not know him before that time.

Croſs-examined by Mr. Conſt. Q. What time was this?—*A.* On a Wedneſday, nine weeks ago.

Q. Till then, he had been perfectly in his ſenſes?—*A.* I cannot ſay, I did not find it out before; I cannot ſay that he was mad before, or not; but then I found him out to be very bad.

Q. What did he come to your houſe for?—*A.* He ſaid he was in trouble, I believe, for arreſt.

Q. Then he was not ſo mad but he wanted to keep out of the way?—*A.* He ſaid it would be ſettled in two or three days.

Q. And it was not; and therefore he ſtaid longer with you?—*A.* Yes.

Q. If he had gone home before, you would have thought him mad in earneſt?—*A.* I know he was mad.

WILLIAM WALLER *ſworn.—Examined by Mr. Knowlys* I live at Dock head.

Q. You are a medical man?—*A.* Yes; I have known Painter theſe thirteen years.

Q. During that time has he been ſubject to fits of inſanity?—*A.* I never knew it till lately; I was ſent for to him one day, he ſeemed to be in a ſtrange confuſed ſtate.

Q. When was this?—*A.* Some time in October, after he had left Kenyon's; he was then at his own houſe.

Croſs-examined by Mr. Knapp. Q. You have attended him for theſe thirteen years, and never attended him for any malady of this ſort before?—*A.* Never.

Q. Did you hear that he was in trouble?—*A.* I did; but upon what account I did not know.

The priſoner called two other witneſſes, who gave him a good character.

NOT GUILTY.

Tried by the London Jury, before Mr. RECORDER.

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114. WILLIAM PHILLIPS and HENRY HUMPHREYS were indicted for feloniouſly ſtealing, on the 17th of December, 67lb of lead, value 5s. the property of Thomas Benning, fixed to his dwelling-houſe.

THOMAS BENNING *ſworn*,—I live at Tottenham High-croſs: About a week before Chriſtmas I loſt ſome lead from my premiſes; but I ſhould not have miſſed it if lead had not been loſt from the next door, that induced me to ſee if I had loſt any; it covered a place over the door, ſupported by two pillars; the whole of the lead that covered that place was taken away.

WILLIAM WEBB *ſworn.*—I am a watchman on the Tottenham-road; on the 16th of December, I was coming up the road between twelve and one in the night, I obſerved a man loaded with ſomething on his back, I could not ſee what it was; he was going down the road from the High-croſs, from the main road into another road.

Q. Was he coming in the direction as from that houſe?—*A.* Yes, he paſſed me; I went a little farther, and ſaw ſomething lying under ſome pales, and a man laid down by it; I aſked him what he had got there; he ſaid, his bundle; I told him, if it was his bundle, to get up, and pick it up; I told him it appeared like lead, he ſaid, it might be lead, or copper, it did not belong to me; I ſent my wife for another watchman to come and aſſiſt me, ſhe was with me at the time; then this other watchman came, William Cox, he is not here; when he came up, he aſked the man if he knew him, he ſaid, no; ſays he, you may know me, my name is Thomas Bruce; Cox ſaid to me, let him go, I know him; I let him go, and then he went down the lane where the other man was gone, I took the lead up and carried it home, it was very heavy; when morning came, I ſhewed it to people, and aſked them if they knew any thing of it, and afterwards, Mr. Brown, who keeps the ſign of the Swan, ſaid, he knew where it came from, he ſent two men to fetch it away from my houſe.

Q. Was there more than one piece of lead?—*A.* No, one piece.

Q. Did you ſee it fitted?—*A.* No.

Q. Had

Q. Had you ſuch an opportunity of ſeeing the man that paſſed you, to be able to ſay who it was?—*A.* No.

Q. Why is not Cox here to give an account of himſelf?—*A.* I do not know.

JAMES BROWN *ſworn.*—I keep the Swan, at Tottenham High-croſs; on Sunday the 17th of December, about ten in the morning, there was a report that ſomebody had been ſtopped with lead.

Q. Had you any company on the 16th, Saturday night, at your houſe?—*A.* Yes; it was pay-night, and Bruce, Philips, and Humphries, were all at my houſe, they came there about eight, Bruce and Philips were in the parlour, and Humphries in the tap-room; they went away about ten, I did not ſee them all three in company together, Philips and Bruce were ſettling with their maſter ſawyer, for their pay, I ſaw no more of them that night, that I recollect; on the Sunday morning, I heard a report, that ſomebody had been attacked with lead, I had the care of a houſe that had been ſhut up for two or three days before; I went to look, and I miſſed ſome lead from a waſh-houſe, adjoining Mr. Benning's; I ſtood by when one piece was tried, four or five days after; I do not know whether it came off there or not, the nail-holes ſeemed to come pretty right, the greateſt part of it was cut in ſuch ſmall pieces, that it was impoſſible to fit it; I had the charge of the lead about an hour, and then they took it down to the Juſtice's.

Q. It was delivered to you by the watchman?—*A.* It was brought to my houſe, and then it was taken down to Juſtice Jenkinſon, that was on the Sunday.

CHARLES TUCK *ſworn.*—I am a carpenter; on Saturday night, the 23d of December, a conſtable came to me, Thomas Aſhwell, and charged me to aſſiſt him to execute a warrant againſt the two priſoners; I went with him to the Swan, Phillips was there making a gathering for Bruce amongſt the workmen, to take him ſomething to Newgate, this was a week after the lead was loſt; the conſtable and I, and two or three others, went into the tap-room, he tapped Phillips on the ſhoulder, and ſaid, you are my priſoner, he gave me charge of him, and took charge of Humphreys himſelf; Phillips ſaid, he would not be taken by any body, and Humphreys declared the ſame; we had a ſcuffle for near half an hour in the tap-room and paſſage, one man paid me about the head, and the conſtable too, with a ſtick; I did not know who they were, but they ſeemed to be working people, who knew moſt of them; Phillips ſwore, he would do for me, ſeveral times in the courſe of the ſuffle, ſo did moſt of them, they cried, knock them down, and do them; and ſoon after breaking the tap-room door, and the bar door, I got Phillips down in the bar, and I held him faſt down with my knee, he begged that I would not hurt him; I told him, if he behaved well, I would not, and I let him try to get up; as he was getting up, he pulled this knife out, *(producing it)* I began to pay him about the head, and one of my men took the knife from him; we then got him down, and tied his hands and legs, put him in a cart, and took him to the watch-houſe; the next night after they got there, there was an attempt to reſcue them, and we were obliged to ſend to Enfield for the ſoldiers; Humphreys was ſecured at the ſame time that Philips was, by other people, and they were both taken to the watch-houſe at the ſame time; the ſoldiers were obliged to go with their drawn hangers to handcuff them, and they were obliged to uſe their hangers to bring them to town, there was ſuch a number of people round them; I came part of the way to town with them, they made ſeveral attempts, both of them, to run away, while I was with them, and the people that were round them endeavoured to aſſiſt them as much as they could; I was preſent this day week, when the lead was fitted to Mr. Benning's houſe, I received it from the officer, Jonathan Trott, that was the lead found upon Bruce, there were 67lbs. 3 qrs. of it; I tried it to the portico, at the back part of Mr. Benning's houſe, it had been nailed up againſt the wall, the nails had been drawn out with the lead, except one which was a large ſpike, and the lead exactly fitted; I can ſafely take my oath, that that lead came from Mr. Benning's premiſes, the officers, Trott and Holmes, have got the lead.

Q. When you went to apprehend them, was any thing ſaid of what they were apprehended for?—*A.* No, nothing; I went in with the conſtable, and he gave me charge of them; while I was ſcuffling with Phillips in the tap-room, I told him, we wanted him for being concerned in taking the lead that was found upon Bruce, and then they got worſe.

Croſs-examined by Mr. Knapp. Q. The violence of their conduct encreaſed, after they found there was a charge of felony againſt them?—*A.* Yes.

Q. What are they?—*A.* One is a wheelwright, the other a blackſmith, they had both worked in my yard that day, till between five and ſix o'clock, not for me, but I gave them leave to work for a neighbour, in my yard.

Q. This is a houſe very common for workmen to be paid at?—*A.* I never pay any men at a public-houſe, and I can only ſpeak for myſelf.

Court. I wiſh every maſter would follow your example.

JONATHAN TROTT *ſworn.*—I am a conſtable, I was not applied to till the 24th of December; Holmes had a charge of them on the 23d.

JOHN HOLMES *ſworn.*—I am a conſtable: On Saturday

Saturday night, the 23d of December, I was directed to apprehend the two priſoners, and to get Trott to aſſiſt me, but I could not find him that night; I did not ſee the priſoners till they were in the cage, they were delivered to me in the cage; I fetched Trott to aſſiſt me to handcuff them, on the Sunday morning; they reſiſted, and we were obliged to go to Enfield for a file of ſoldiers. *(Produces the lead).*

Trott. Webb, and the other watchman, brought this lead down to the watch-houſe.

Holmes. I put my mark upon it.

Webb. I put my mark upon it the morning after I found it; this is the ſame lead.

Tuck. This is the ſame lead that I tried upon Mr. Benning's premiſes.

THOMAS BRUCE *ſworn.*—I am a ſawyer: On Saturday night, the 16th of December, I was at the Swan drinking with a young man, about nine o'clock at night, and Humphreys came in, and had a pint of beer and a pipe of tobacco; he deſired me to go with him to the front door, which I did, and he told me he knew of ſome lead, and wanted me to help to carry it; I would not go at firſt, and we went into the parlour again, and ſtopped about half an hour longer; then Phillips and I had a glaſs of gin at the bar, and as we were going out, Humphreys came up and had a glaſs of gin, and then I went with them both to the bottom of an orchard belonging to Mr. Smith the butcher; Phillips told me to ſtop there, and he would bring the lead to me; I ſaw them go up the orchard, they were about an hour and a half getting it all; they both came back to me three times with lead; I took it from them over a ditch, and then all three of us took it to a place by the ſide of a lane; then Phillips put a piece upon Humphreys's ſhoulder to take down the lane, and another upon mine; I heard the watchman coming, and I threw my piece down; Humphreys went down the lane before me; the watchman came up, I was ſtanding about two yards from it, I was never lying down at all, I told the watchman I did not know what it was; he ſent for another watchman, and he knew me, and they let me go about my buſineſs, and I ſaw no more of them; I was taken up on Sunday morning, the next day.

Q. Do you know Mr. Benning's houſe?—*A.* Yes; the orchard is about fifty or ſixty yards from it; I did not ſee where they brought the lead from, nor they did not tell me they ſtole it.

Q. But you had pretty good reaſon to ſuſpect it?—*A.* No, I had not.

Q. Why did you throw it down when the watchman was coming?—*A.* I did not know rightly how it was, whether I came honeſtly by it or not.

Q. How came you to tell him you did not know what you were carrying?—*A.* I did tell him ſo.

Q. Do you mean the Jury to believe that you did not know it was lead that you were carrying?—*A.* I did not know rightly whether it was lead or copper.

Q. But Phillips had told you that he knew of ſome lead?—*A.* Yes; I told the watchman I believed it was lead.

Croſs-examined by Mr. Knapp. Q. You gave exactly the ſame account before the Magiſtrate that you have told now?—*A.* Yes.

Q. Upon your oath, do you mean to ſwear that?—*A.* Yes.

Q. You were committed the next day to Newgate?—*A.* No, on the Wedneſday; I was in the cage till then.

Q. How often did you ſee Mr. Tuck while you were in the cage?—*A.* Not at all.

Q. How often in Newgate?—*A* Once.

Q. What did he come to you in Newgate for?—*A.* He came to ſee me; and I thought it would be beſt to tell him, and I told him the whole truth.

Q. You were committed for trial for this offence?—*A.* I don't know whether it was for trial or not; I thought I was to go down to have another hearing.

Q. Which tells the truth, you or the watchman; you ſay you were ſtanding ſtill, and he ſays you were lying down?—

Webb. He was lying down, leaning over the lead; I fell down over his feet, or I ſhould not have ſeen him.

Court. Then it was ſomething between the two.

Phillips's defence. I know nothing of the lead; when Mr. Tuck apprehended me, he pulled out a piſtol, and caught me by my ſilk handkerchief that I had round my neck, and I thought he would have choaked me, and I pulled out my knife to cut the handkerchief.

Humphreys's defence. What Bruce ſays againſt me is all falſe; I neither ſaw him nor was I with him all that night.

The priſoner Phillips called two, and Humphreys five witneſſes, who gave them a good character.

Both NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. Baron THOMPSON.

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115. WILLIAM PHILLIPS and HENRY HUMPHREYS were again indicted for feloniouſly ſtealing, on the 17th of December, one hundred weight of lead, value 8s. the property of Richard-Caleb Morriſon and Sarah Morriſon, fixed to a building of their's.

RICHARD-CALEB MORRISON *ſworn.*—This day fortnight I was upon the premiſes that were robbed, it is an old building that, I believe, was made

made uſe of for a waſh-houſe, or ſomething of that ſort, it belonged to me and Sarah Morriſon; I miſſed the lead at that time.

WILLIAM WEBB *ſworn.*—I am a watchman on the road: Between twelve and one in the night of the 16th of December, I ſaw a man with ſomething on his back, he put it down, he ſaid it was his bundle; I examined it, and told him I thought it was lead, I aſked him what he did there; he ſaid he had as much buſineſs there as I had; I ſent for another watchman, William Cox, and he ſaid he knew him, his name was Thomas Bruce, and then I let him go; the next morning, Mr. Brown threatened me, if I did not take him, he would put me in the cage; and then I and the conſtable went and took him, and he was put in the cage.

Croſs-examined by Mr. Knapp. Q. This perſon you ſaw with the lead, was a perſon of the name of Bruce?—*A.* Yes.

Q. Bruce was the perſon that gave evidence laſt night?—*A.* Yes.

Q. He was the perſon who was committed to Newgate for this offence?—*A.* Yes.

JAMES BROWN *ſworn.*—I keep the Swan, at Tottenham; On the 16th of December, in the evening, Bruce and Phillips were in company together at my houſe, in the parlour, and Humphreys was in the tap-room; Bruce and Phillips went away about ten o'clock, they came in about eight; I cannot ſay whether they went away together or not; on the Sunday morning, there was a report that ſomebody had been ſtopped with lead; and I having the care of Mr. Morriſon's houſe, about 200 yards from my houſe, I went to ſee if all was ſafe, I had ſeen it the Friday before; I ſent two or three men to look after the lead, it was cut into ſmall pieces; they found ſome in a garden, and ſome in a field adjoining, and ſome of it was put into a tool-bag; Bruce was taken up, and committed to Newgate; and on the Saturday after, Mr. Tuck, and ſome others, came to my houſe, I heard; and Mr. Tuck gave me charge of Humphreys, while he took charge of Phillips.

Croſs-examined by Mr. Knapp. Q. Did you uſe this waſh-houſe yourſelf?—*A.* No; I only bought the fixtures and things of the garden, the week before, and Mr. Morriſon left the key with me.

Jury. Q. Did it appear to be freſh cut?—*A.* Yes.

Mr. Knapp. Q. Were you preſent at the examination, when Bruce was before the Juſtice?—*A.* Yes; he was committed to Newgate.

CHARLES TUCK *ſworn.*—I am a carpenter: I was called upon to execute a warrant againſt Phillips and Humphreys; they have both worked for me a long time; they made very great reſiſtance; during the ſcuffle, I told them what I apprehended them for; the conſtable tapped Phillips on the ſhoulder, and ſaid, he was his priſoner; and then every body in the room aſſiſted them; one man beat me about the head with a ſtick; the ſcuffle laſted about half an hour; we at laſt ſecured the priſoners, and took them to the cage; I had got Phillips down, and he aſked me to give him liberty; and I ſaid, I would, if he would behave like a man; he then drew his knife; we got him down again, and tied his hands and legs, and put him into a cart; in taking them to London, they made ſeveral attempts to run away; they were guarded by ſoldiers, and the people attempted to reſcue them; I tried the lead that was produced laſt night, and it fitted the premiſes.

Croſs-examined by Mr. Knapp. Q. You did not find this lead at all?—*A.* No.

Q. Laſt night Bruce was examined?—*A.* Yes.

Q. The priſoners were acquitted laſt night?—*A.* Yes.

Q. Humphreys had worked for you?—*A.* Yes.

Q. Then I will venture to aſk a queſtion of you that would be hazardous in ſome caſes—Did he not bear a very honeſt character till that time?—*A.* Yes.

JOHN HOLMES *ſworn.*—I am a conſtable: I was ſent for to apprehend the priſoners, but they were taken before I came there; they were given to me in charge after they were in the cage; I brought Bruce to the New-Priſon, and Trott brought the others to Newgate.

JONATHAN TROTT *ſworn.*—I am a conſtable: On the 24th of December laſt, I was fetched by Holmes, and when I came to Phillips, he ſwore he would not be handcuffed; he put his hand in my face, and ſaid, d—n your eyes, if I ever get my liberty, I will remember you, for if you had not made yourſelf quite ſo buſy in going to ſee whether the lead came off there or not, Bruce never would have been committed, and they never ſhould have been caught.

Croſs-examined by Mr. Knapp. Q. This expreſſion of Phillips's was made uſe of after Bruce's apprehenſion and commitment?—*A.* Yes.

Q. You mentioned that expreſſion laſt night, I dare ſay?—*A.* I had not time, the Judge thought proper to order me down, and had Holmes up to examine firſt, and I was never called up again.

Q. Is there any one here that heard that expreſſion beſides yourſelf?—*A.* I cannot help that.

THOMAS BRUCE *ſworn.*—I was at the Swan, at Tottenham, on Saturday, the 16th of December, drinking with a young man, and Phillips came in, and called for a pint of beer and a pipe of tobacco; he told me, he knew of ſome lead, and aſked me to carry it; I went down with him and Humphreys into an orchard; Phillips told me to wait there, and they would bring it to me; they brought it to me, and I took it over a ditch, and then all three of us took

took it to another place by the ſide of a lane; Phillips put a piece of it upon Humphreys's ſhoulder, to carry down this lane, and another piece upon my ſhoulder; I heard the watchman coming, and I threw down the lead; I told him at firſt, I did not know what it was, and afterwards told him it was lead.

Croſs-examined by Mr. Knapp. Q. You were fully committed to Newgate for trial?—*A.* Yes.

Q. How ſoon after were you good enough to give this account—how ſoon did your conſcience ſmite you?—*A.* I was in Newgate two or three days, and then Mr. Tuck came to me, and as I was drawn in, I thought I had better tell the truth.

Q. How came you to tell the watchman, at firſt, that you did not know what it was?—*A.* I was not certain.

Q. Did not he tell you it was lead?—*A.* He ſaid he knew of ſome lead.

Q. Do you not, by coming here, ſave yourſelf from being tried?—*A.* Yes.

Phillips's defence. I know nothing at all of the lead.

Humphreys's defence. I know nothing at all of it.

The priſoner Phillips called three, and Humphreys five witneſſes, who gave them a good character.

Phillips, GUILTY (Aged 26.)
Humphreys, GUILTY (Aged 21.)
Tranſported for ſeven years.

Tried by the firſt Middleſex Jury, before Mr. RECORDER.

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116. WILLIAM SKILSBY was indicted for feloniouſly receiving, on the 24th of November, goods, of which John Wheeler and Thomas Hall had been convicted of burglariouſly ſtealing.

(The Jury having been all challenged by the priſoner, a third Middleſex Jury were ſworn).

William Thompſon,	Benjamin Hopkinſon,
Hugh Shaw,	William Kent,
Richard Lewis,	Thomas Yorden,
John Lowe,	Joſeph Callender,
John Rocking,	John Barker,
Robert Proctor,	Joſeph Cooper.

(The record of the conviction of Hall and Wheeler read).

ALEXANDER SYME *ſworn.*—I live at the Star and Garter, Kew-bridge; Richard Dean lives in the houſe with me: On the 23d of November, I went to bed at near upon twelve o'clock, and got up a little after eight; when I got up, I found the ſhutter of the larder-window broke, I had faſtened them all about eleven o'clock; there were two panes broke, one was taken entirely out, the panes were, either of them, large enough for a perſon to get in by; I had left a rump of beef raw, part of a round of beef dreſt, a loaf of ſugar ſix pounds weight, a large piece of cheſhire-cheeſe, a large carving-knife, and a braſs pound-weight, theſe things I know to have been all there; the next morning, the other things were miſſed out of a baſket.

Q. How far is the Star and Garter from the Little King's-Arms?—*A.* I ſuppoſe three quarters of a mile, that is pretty near the middle of the town, before you come to the Market-place.

MARTHA NICHOLS *ſworn.*—I had been at the Star and Garter as a nurſe; I went to bed before twelve o'clock the night of the robbery, I had been in the larder about ten o'clock, I carried a counterpane in there, froze hard with the froſt, a table-cloth, and in a ſeparate parcel, a flannel petticoat, a flannel bed-gown, three muſlin night-caps, two muſlin neck-cloths, one muſlin handkerchief, two night ſhifts, one left, and the other taken, another counterpane, dry, and ſome glaſs cloths, I cannot ſay how many; I got up about half paſt ſix in the morning, and went into the larder, I found two of the ſhutters and the window broke, the firſt thing I miſſed was the frocks, counterpane, and table-cloth, and then I miſſed all the reſt of the things, except four knife cloths, and one night ſhift, the rump of beef was gone, and part of a neck of mutton, a loin of mutton, a piece of boiled beef, two apple-pies, a large piece of cheeſe, and a loaf of ſugar.

JOHN GURNEY *ſworn.*—My daughter and her huſband keep the Little King's-arms, at Brentford, his name is George Jenkins.

Q. How far diſtant is the houſe of the priſoner from the Little King's-arms?—*A.* A paſſage parts them only, he is what they call a broker, and deals in cloaths.

Q. Does he deal in furniture?—*A.* No, only in linen and ſuch things; John Wheeler, Thomas Hall, and Thomas Wheeler were there on the 23d of November, towards evening; they went away about half paſt nine, or thereabouts; I ſaw them again the next morning at near about eight o'clock, and aſked for a pint of purl, and they talked of having ſome breakfaſt; one of them went out, and came in again, with ſomething wrapped up in a piece of brown paper; they aſked me for a two-penny loaf, ſome knives and forks, and a diſh, they put a piece of a buttock of beef into the diſh, and eat it, there might be about three pounds of it, and then they went away.

THOMAS WHEELER *ſworn.*—John Wheeler is my brother, and I know Thomas Hall, I was with them at the Little King's-Arms, at Brentford, eight or nine weeks ago; we left the houſe about half an hour after nine o'clock at night, or near ten; we walked about till half paſt twelve, or one; and then we went to the Star and Garter, at Kew-bridge,

bridge, with a raſp and a ſoldering-iron, to get the ſhutters down with.

Q. Who took them down?—*A.* Thomas Hall, and I, and John Wheeler ſtood by; Hall broke one of the ſquares of glaſs, and took out a rump of beef, a loin of mutton, and a neck of mutton, and a piece of beef that was dreſt, and almoſt a whole cheeſe; a ſugar-loaf, two apple-pies, a carving-knife, a brats weight, two counterpanes, one bed-gown, I believe flannel, a petticoat, and a table-cloth; then we came away, and took the things to Mr. Skilſby's, that was about half paſt one in the morning; we knocked him up, ſomebody came to the door, but I cannot ſay who it was; I was ſtanding by the corner of the houſe, juſt by the door.

Q. Was it a man or a woman?—*A.* I cannot ſay.

Q. You could not ſee the perſon at all?—*A.* No; John Wheeler and Thomas Hall took the things, I ſtaid outſide; it was about a quarter of an hour before they came out.

Q. Did you ſee them come out?—*A.* Yes.

Q. Did any body come to the door with them?—*A.* I did not ſee any body with them.

Q. Then, from the time you went to the door, till the time they came out, you did not ſee any body?—*A.* No.

Q. How long did they wait before they got in?—*A.* About ten minutes; they went in directly as the door was opened.

Q. Did you ever ſee theſe things in the houſe of Skilſby?—*A.* No.

Q. Then, except from what the others told you, you do not know whether Skilſby had them or not?—

Court. Gentlemen of the Jury, this evidence certainly does not go far enough to bring it home to the priſoner, and he muſt be acquitted.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice LAWRENCE.

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117. SARAH VINCENT was indicted for feloniouſly ſtealing, on the 16th of December, a pair of linen ſheets, value 12s. two pair of cotton ſtockings, value 3s. a checked apron, value 6d. three linen frocks, value 4s. two cotton bed-gowns, value 6d. two diaper table-cloths, value 3s. two linen handkerchiefs, value 1s. a cotton handkerchief, value 6d. two linen towels, value 6d. a linen petticoat, value 6d. and a cotton bed-quilt, value 6d. the property of Richard Bignell.

ELIZABETH BIGNELL *ſworn.*—I am the wife of the proſecutor: The priſoner took the things from a little girl as ſhe was taking them to the mangler's, on the 16th of December.

JEMIMA SELBY *ſworn.*—I was taking the things to Mrs. Morris's to be mangled, between nine and ten o'clock; I went in next door of an errand, which is a lodging-houſe, and Sarah Vincent was coming down ſtairs with a ſheet in her hand, and ſhe told me not to ſhut the door, for ſhe was coming in again preſently; I put my things down in the paſſage, I ſtopped with Mrs. Newland about three minutes; when I came into the paſſage again, there was nobody at all there, and the things were gone.

Q. Did you know her before?—*A.* No.

JAMES CAPEL *ſworn.*—I am a watchman: I apprehended the priſoner between eleven and twelve o'clock at night, on the 16th of December, with the things in her apron; I had an information that they were loſt, and I ſtopped her, and took her to the watch-houſe; ſhe ſaid they were her own clothes.

VALENTINE ROMLEY *ſworn.*—I am a watch-houſe keeper, *(produces the things)*; I had them from the priſoner at the bar; I put down every article upon a piece of paper; they have been in my poſſeſſion ever ſince, except a few hours laſt Saturday, when they were in the poſſeſſion of the watchman.

Capel. I returned the things to Mr. Romley exactly as I received them from him.

Romley. I aſked her how ſhe came by them; and ſhe ſaid ſhe lived with a waſherwoman juſt by the Haymarket, and had been to the mangler's for them.

SARAH MORRIS *ſworn.*—I keep a mangle: All I know is, that I delivered them ſafely to the child; I live at No. 36, New Compton-ſtreet, very near St. Giles's; Mrs. Newland lives next door to me. *(The property was produced, and ſworn to by Mrs. Bignall).*

Priſoner's defence. I know nothing of it.

GUILTY (Aged 29).

Confined ſix months in the Houſe of Correction, and fined 1s.

Tried by the third Middleſex Jury, before Mr. Juſtice HEATH.

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118. WILLIAM LEIGH and ESTHER BRENTON were indicted, the firſt for feloniouſly ſtealing, on the 26th of December, three wooden firkins, value 1s. and 160lbs of butter, value 6l. 9s. the property of Edward Savage, and the other for receiving two wooden firkins and 112lbs of butter, the property of the ſaid Edward.

EDWARD SAVAGE *ſworn.*—I am a cheeſemonger, in Houndſditch: On the 26th of December, I ſent my carman, Joſeph Jones, with ſome butter; I know nothing of the robbery myſelf.

JOSEPH JONES *ſworn.*—I am carman to Mr. Savage: On the 26th of laſt month, I was ſent to carry

carry ſome butter in a one-horſe cart, between five and ſix o'clock; I was in the cart driving it; I had eight firkins of butter in it, I was going to Drury lane; I ſaw them all in the cart at the end of Long-lane, and I miſſed three firkins when I got into Smithfield; I did not ſee any body take them; the tail board was hanging down, and the iron pins were gone; and I turned my horſe round towards Long-lane, to go back again.

Croſs-examined by Mr. Alley. Q. You ſaw the firkins in Long-lane?—*A.* Yes.

Q. That is in the City of London?—*A.* Yes.

Q. Smithfield, we all know, is in the City of London?—*A.* Yes.

Q. Might not the pins come out by jolting upon the rough ſtones?—*A.* No; it is impoſſible.

Q. It being an open cart, if any body had come and taken the firkins out of the cart, you muſt have ſeen them?—*A.* No; I did not ſee them.

Q. What weight might they be?—*A.* Half a hundred each.

JOHN BECKHAM *ſworn.*—I am a patrol; on Tueſday the 26th of December, I was going down Cow-croſs, between five and ſix in the evening, I ſaw three men running down with firkins of butter upon their ſhoulders, there were three, I am ſure, there might be more than three, they were coming from St. John's-ſtreet; I called at a houſe in Cow-croſs, to call my partner Coltman, we both ran down Cow-croſs, to the corner of Benjamin-ſtreet, they were then out of ſight; we turned up Benjamin-ſtreet, and went through Falconer's-alley, one end of Falconer's-alley came into Cow-croſs; I turned my head round, and looked down Sharp's-alley, and ſaw a man running along with a tub upon his ſhoulder, he was about thirty yards from me; he turned down Jacob's-court, and we ran down Jacob's-court after him, and ſaw a door open, we ran in there, and into the fore room, the door was open, there were four men in the houſe; I ſaw two tubs ſtanding in the corner of the room, and one of the men was knocking one of the tubs to pieces, the woman at the bar was in the room, blowing the fire, I aſked her whoſe property thoſe were, and I think ſhe ſaid, they belonged to her, I will not be certain; I was rather afraid of myſelf; becauſe I had not a cutlaſs, nor a ſtick, I believe ſhe ſaid it belonged to her, I cannot be certain; then they all aſked us to drink, and ſhe amongſt the reſt, I told her I would not drink any thing; three of the men then went out, the other man was the priſoner at the bar, he remained in the room; my partner went out after the other men, and left me with the priſoners, I ſecured them and the butter.

Q. Can you ſay, that the priſoner was one of the men that you ſaw running with the firkin upon his ſhoulder?—*A.* No.

Q. What ſort of a court is this?—*A.* There is only that one houſe inhabited; I had known the woman before for theſe ſix or ſeven years, ſhe has lived about the pariſh theſe ſix or ſeven years.

Q. Did you not know that ſhe lived in this houſe?—*A.* I knew ſhe lived that way, but I did not know ſhe lived in that houſe; ſhe is a diſorderly woman upon the town, I have ſeen her go into the court ſeveral times.

Q. How long had that court been deſerted?—*A.* About a week or more; Coltman came back, and we took the two priſoners to the watch-houſe.

Croſs examined by Mr. Alley. Q. Is Long-lane in the City of London?—*A.* Yes.

Q. Is not this court in the City of London?—*A.* No; in St. John's pariſh.

Q. Do you know that as a fact?—*A.* Yes.

Q. You ſaw but three men?—*A.* There might be more.

Q. And the three men, when you went into the room, ran away?—*A.* Three of the men ran away; I do not know that they were the ſame men.

Q. This was a momentary purſuit, and they went in at the firſt door that was open?—*A.* Yes.

THOMAS COLTMAN *ſworn.*—Beckham called me, and I went after him to ſee for theſe men; I went with him down Cow-croſs, toward's Sharp's-alley, and he had loſt ſight of them; we went into Falconer's-alley, and then we turned to the right-hand out of Falconer's-alley; I ſaw a man coming out of Sharp's-alley, and turned to the left-hand, towards Jacob's court, he had a tub upon his ſhoulder; we went down Jacob's-court, and croſſed over the ſtreet after him; we turned down Jacob's-court, and there was a door open, and we went in, we loſt ſight of him, I ſuppoſe, for a yard and a half, or two yards, ſo that I did not ſee him go in, the paſſage door was wide open, the parlour door was not ſhut, but put to; we went into the room, there I ſaw four men, a woman, and two firkins of butter; I aſked the woman whoſe property that was, there was a man knocking one of them to pieces, he had got two or three of the hoops off, and the head was dropped in upon the butter; ſhe made a reply, that it was her's, and ſhe ſaid, d—n it, let us have ſome gin; I ſaid, I did not want any, I had got a ſhilling, and if I wanted gin, I could buy ſome for myſelf; I proceeded towards the butter that ſtood at the corner of the room, and three of the men went out, I went out after them, and was knocked down by a brick-bat, or ſtone, or ſomething of that kind, I ſuppoſe it to be a brick, it came from a man who ſtood about a yard and a half, or two yards from the door; when I went out, on the right-hand ſide, there was no lamp in the court, but one at the end of it; I got up again, and called out to my partner, to detain the two priſoners that were in the room, and ſeeing

no more of them, I came back again, and went into the room; my partner took the man, and one of the firkins of butter to the watch-houſe, and left the woman and the other firkin in my cuſtody.

Q. Was it the priſoner that was knocking the firkins to pieces?—*A.* No, it was one of the three that went out; we have got the butter in our poſſeſſion now. *(Produces it.)*

Savage. Theſe are my firkins, they have my mark upon them, S. A. in a circle.

Court. Q. All your firkins are marked in the ſame way, I ſuppoſe?—*A.* Yes; but there is a chalk mark upon the back of theſe, they were going to two different houſes, one is marked with a D, and the other with an I, I think.

Q. Did not you mark them yourſelf?—*A.* No; I ſaw my man mark them, I am ſure they are mine.

Q. What butter was it?—*A.* York butter.

Court. (To Coltman). Q. Did you know the woman priſoner?—*A.* Yes.

Q. Did you know where ſhe lived?—*A.* I did not know where ſhe lived at that time, I believe there were no other inhabitants in the court but herſelf; ſhe was the ſervant, I believe, of the man who rented theſe houſes before.

Jones. Theſe are part of what was delivered to me by my maſter.

Coltman croſs-examined by Mr. Alley. Q. Did not you aſk whoſe houſe it was?—*A.* No; the firſt queſtion we put was, whoſe property that was.

Q. Where did that poor boy at the bar ſtand?—*A.* Juſt oppoſite the door; the perſon that was working at the butter I knew very well; the priſoner, at Hatton-garden, ſaid, that he had heard a noiſe, that the patrole were gone in, and he went in to ſee what was the matter.

Q. The poor man might have run from the houſe if he had pleaſed?—*A.* I do not know but he might, if my partner had not come back again.

Priſoner Leigh's defence. Coming home on Tueſdry evening, I ſaw this woman ſtanding at the corner of Jacob's-court, ſhe caught hold of me, and aſked me if I would give her any gin; I ſaid, I would; I gave her one ſhilling to go for ſome gin; while ſhe was gone for the gin, in came theſe three people with the firkins of butter; theſe two patroles followed them in at the ſame time; they ran out directly, and I never ſaw them after; the three men ſtood ſome time talking to the patroles before they made their eſcape.

Brenton's defence. I cannot ſay how the butter came into my place, I know nothing at all about it.

JOHN HARDING *ſworn.*—I belong to the Court of Requeſts of the City of London: I know every part of the City, and a great part of the County; the whole of Cow-croſs is in the County of Middleſex.

Leigh called four, and Brenton one witneſs, who gave them a good character.

Both NOT GUILTY.

Tried by the third Middleſex Jury, before Mr. Baron THOMPSON.

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119. EDWARD ROUND and DANIEL PAYNE were indicted for feloniouſly ſtealing, on the 29th of December, a wooden cheſt, value 3s. and three planes, value 2s. the property of a certain perſon or perſons, to the Jurors unknown.

The priſoners, who were ſoldiers, were ſtopped by the patrole, with the property, on the 29th of September, at ſeven o'clock in the evening, but there being no evidence to ſhew whoſe property it was, they were

Both ACQUITTED.

Tried by the third Middleſex Jury, before Mr. Juſtice LAWRENCE.

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120. ELIZABETH HILLIARD, alias COX, was indicted for feloniouſly ſtealing, on the 20th of December, an iron vice, value 5s. the property of John-Frederick Madder.

(John-Frederick Madder was called, but not appearing, his recognizance was ordered to be eſtreated).

NOT GUILTY.

Tried by the third Middleſex Jury, before Mr. Juſtice HEATH.

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121. JOHN CUNNIFORTH and THOMAS TAYLOR were indicted for feloniouſly ſtealing, on the 12th of December, an iron grate, value 30s. belonging to William Rolfe, fixed to a certain building of his, and fixed to a dwelling-houſe.

The Act of Parliament, upon which the indictment was found'd, deſcribing palliſades, gates, and railing, but the thing in queſtion being neither, but a grate, the priſoners were

Both ACQUITTED.

Tried by the third Middleſex Jury, before Mr. RECORDER.

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122. ROBERT RICHARDS and WILLIAM THACKER were indicted for that they, in the King's highway, on the 30th of December, in and upon Lyon Backrow, did make an aſſault, putting him in fear, and taking from his perſon, and againſt his will, a half-guinea, a ſeven-ſhilling piece, one ſhilling, and a ſixpence, the monies of the ſaid Lyon.

LYON BACKROW *ſworn.* Q. What is your buſineſs?—*A.* Getting a ſhilling as well as I can, by going of errands. On Saturday, the 30th of December, in the evening, between ſix and ſeven o'clock—

Q. Was

Q. Was it light or dark?—*A.* Moonlight. I had a ſummons to deliver to Mrs. Richards.

Q. Is that any relation to the priſoner?—*A.* His wife, I am told; I went to the bar, and delivered it to Mrs. Richards.

Q. At what bar?—*A.* In the Fleet-priſon.

Q. What ſort of a ſummons do you mean?—*A.* For wearing hair-powder without having a licence. When I was coming out again, I heard ſomebody cry, ſtop him, ſtop him; I did not know what they meant; and immediately they ſeized me by the collar—

Q. Who took you by the collar?—*A.* Mr. Richards, that man there; he ſaid I muſt come back along with him; and I refuſed, I ſaid, what for; ſays he, you ſhall come back, and you ſhall ſee what for; and I refuſed again; and he catched hold of me by the collar; I refuſed going back; and ſeveral more came up to aſſiſt him; he dragged me, againſt my will, along through the paſſage, till I came to a place where there were ſome ſtone ſteps going into a yard; I ſaid, Mr. Thacker knew me, that was that gentlemen there; and Mr. Thacker ſaid, yes, I know him to be a d—d informer; they took me to the pump, and pumped upon me for three or four minutes, as long as they thought proper, and I reſiſted.

Q. When you ſay they, do you mean the priſoners?—*A.* Yes, both of them; Mr. Richards never left my collar; after they had done pumping upon me, I do not know who it was, but ſomebody threw a pail of water over my face; my clothes were all torn; my breeches were almoſt torn from me, and my waiſtcoat was tore to pieces; I miſſed out of my pocket, all the money I had, a half-guinea, a ſeven-ſhilling piece, one ſhilling, and a ſixpence.

Q. And you charge theſe priſoners with taking your money?—*A.* Yes.

Q. Did you find any of your money upon them?—*A.* No.

Q. Is that all you have to ſay?—*A.* Yes.

Court. Gentlemen of the Jury, There is an end of this indictment; it was very improper conduct, but cannot poſſibly be the ſubject of an indictment of this ſort. From the circumſtances of this caſe, it appears very plain what they were about, by the expreſſion, informer, and their conduct may be puniſhed in another way; there was clearly no intention of taking his money; his money, very probably, might have dropped from his clothes.

Both NOT GUILTY.

Tried by the London Jury, before
Mr. RECORDER.

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123. GEORGE CLAYTON was indicted for feloniouſly ſtealing, on the 3d of January, ſix pounds weight of tea, value 2l. 2s. the property of Thomas Clark.

JACOB HUGHES *ſworn.*—I am porter to Mr. Figgins, book-keeper to the Wiltſhire waggon: Laſt Wedneſday was a week, I ſaw the priſoner come into the yard of the White-ſwan, Holborn-bridge, the waggons belong to different people that come there, Mr. Figgins is the book-keeper; the priſoner looked about one ſide of the yard, and then he went and looked about the other ſide of the yard, where there was a number of goods laid, ready to be loaded in the waggon; I ſaw him come back with a paper parcel in his hand, he ſtopped about half way up a narrow paſſage, and wrapped the parcel up in a leather apron that he had before him, then he turned himſelf round, and was going out of the yard; I went and ſtopped him; I aſked him what he was going to do with that parcel; and he ſaid it belonged to him; I told him it did not belong to him; I took him and the parcel back to Mr. Clark's Waggon-office, in the yard, Mr. Clark is the proprietor of the waggon; I delivered him to Mr. Butterworth the book-keeper.

GEORGE SMITH *ſworn.*—I am ſervant to Meſſrs. Butcher and Tuck, grocers: On Wedneſday, the 3d of this month, I was ſent with a parcel to the Swan Inn, Holborn-bridge; I delivered it to the book keeper of Mr. Clark's waggon, I don't know his name, it was directed to Ann Mullins, Devizes; I ſhould know it again if I were to ſee it, it contained ſix pounds of tea.

RICHARD BUTTERWORTH *ſworn.*—I am book-keeper to Mr. Clark's waggon; I was not at home when the parcel came to the yard.

JAMES BUTTERWORTH *ſworn.*—In the abſence of Mr. Richard Butterworth I received a parcel of tea, on the 3d of January, from George Smith, directed to Ann Mullins, Devizes; it was put among other goods in the yard, it was brought back again to the warehouſe by the priſoner, and he was brought back by Hughes; I entered it in the book, the entry is my own writing; *(reads the entry,)* "Ann Mullins, one parcel, Devizes." I delivered it to Mr. Richard Butterworth when he came in. *(The parcel produced).*

JOHN OSBORNE *ſworn.*—I am a conſtable: I was ſent for to apprehend the priſoner, I took charge of him and the parcel; I had the parcel from Mr. Butterworth.

Smith. This is the ſame parcel.

Priſoner's defence. I leave it to the mercy of the Court.

GUILTY (Aged 61.)

Confined twelve months in the Houſe of Correction, publicly whipped, and diſcharged.

Tried by the London Jury, before
Mr. RECORDER.

124. CLEMEN-

124. CLEMENTINA CUTHBERT was indicted for feloniously ſtealing, on the 6th of January, a pair of men's leather ſhoes, value 5s. the property of John Kaines.

JOHN KAINES *ſworn.*—I am an India engine-weaver, No. 8, Bird's-court, Phillip-lane, London-wall: On Saturday, the 6th of January, the priſoner came to the houſe of Mr. Morgan, where I lodge, for a pair of ſhoes; the priſoner came into the room to ſell ſome tobacco; Mr. Morgan told her he could do nothing for her, as Mrs. Morgan was not at home; ſhe came back again, in about ten minutes, and ſaid ſhe would leave the tobacco, and call to-morrow; in about an hour afterwards, I miſſed the ſhoes; I went about to ſee if ſhe had offered them to pledge, and I found they had been offered at the corner of Wood-ſtreet; I found the ſhoes at Mr. Dobſon's, in Chiſwell-ſtreet, which is better than half a mile from our houſe; my wife is a ſhoe-binder, and they were a pair of new ſhoes that were left to be bound, I am anſwerable for them; they were loſt out of the landlord's room, my wife had been at work there, and left them.

THOMAS DOBSON *ſworn.*—I am a pawnbroker, No. 35, Chiſwell-ſtreet, *(produces the ſhoes)*; I took them in; they were pledged by a man of the name of James Cooper, the priſoner came with him, and took part of the money; I never ſaw her before to my knowledge; I am ſure ſhe is the woman, it was about ſix in the evening of Saturday the 6th of January.

WILLIAM SMITH *ſworn.*—I am ſervant to Mr. Parker, a pawnbroker: On Saturday the 6th of January, the priſoner came to offer me a pair of ſhoes, about ſeven or eight o'clock in the evening, but knowing her to be a ſuſpicious character, I would not take them in; to the beſt of my knowledge, theſe are the ſhoes.

JOSHUA HENDERSON *ſworn.*—I am a ſervant to Meſſrs. William and Joſeph Chamberlayne, in Cheapſide: The ſhoes in queſtion belonged to them, I gave theſe ſhoes to the proſecutor's wife to bind, on the 4th of January; I know them by the marks, W & J C. inſide of them, with their ſize and number; I delivered them to Mrs. Kaines.

Kaines. My wife is very bad, I expect her to be in bed when I go home; I ſaw theſe ſhoes in Mr. Morgan's room, I had them in my own hand about ſeven o'clock that evening; nobody elſe had been in that room.

Priſoner's defence. I met with a man who aſked me to have a glaſs of gin, it being a cold night; and then he aſked me to take theſe ſhoes into Mr. Parker's to pledge, and they would not take them in, he ſaid his name was James Cooper; and then he aſked me to take them to Mr. Dobſon's, which I did, and pledged them; I have never ſeen the man ſince.

GUILTY (Aged 43.)

Confined three months in Newgate, and fined 1s.

Tried by the London Jury, before Mr. RECORDER.

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125. ROBERT MILES was indicted for feloniouſly ſtealing, on the 17th of December, 144 copper buttons gilt with gold, value 3s. 6d. 144 copper buttons plated with ſilver, value 12s. 144 baſe metal buttons plated with ſilver, value 2s. and thirty-ſix yards of ſilk ferret, value 4s. the property of Thomas Carpenter, Thomas Aſhneſs, William Boyden, and George Aſhneſs.

(The caſe was opened by Mr. Jackſon.)

GEORGE ASHNESS *ſworn.*—*Examined by Mr. Jackſon.* We are warehouſemen, our firm is Thomas Carpenter, Thomas Aſhneſs, William Boyden, and myſelf: In conſequence of a ſuſpicion I took ſtock on Monday the 11th of December, and again on Sunday the 17th of December; I then miſſed two particular groſſes of buttons, one of which I afterwards found upon the priſoner; I only took an account of that part of the ſtock that was moſt likely to be purloined; the priſoner was our porter; I concealed myſelf in a room adjoining to his bed-room, and through an aperture in the wainſcoat which divides the two rooms, I obſerved him to take a parcel, or parcels, I believe there were two, from his box, thoſe he depoſited in the window-ſeat while he dreſſed himſelf, it was Sunday morning; when he had dreſſed himſelf, he put them in his coat-pocket, and went down ſtairs to his dinner; he came up about half an hour afterwards into his own room again, I was in the next room concealed all the time; he again opened his box, and took from it ſundry articles of plate; he then went down ſtairs, I followed him, I rung the bell, and he was ſent in to me; I aſked him what he had to do with plate, indeed, I told him the ſituation I had been in, and what I had ſeen; he told me he came honeſtly by them, or ſome ſuch anſwer; I told him my ſuſpicions, and that, if he was an honeſt man, which I hoped he would prove himſelf to be, he would not object to let me ſee what he had about him, and what was in his box; he refuſed, and I ſent for Church, the conſtable, he ſearched him, and in his coat-pocket were found the three groſs of buttons charged in the indictment; there are only two groſs that I can identify, they are the ſame kind of articles that I miſſed upon checking the ſtock; the groſs of plated coat-buttons had the number 5391 in the writing of the manufacturer; I had particularly remarked thoſe figures when I took the ſtock; there was only a groſs and a half of that ſort of buttons at the time I took

I took ſtock on the 11th of December, and when I checked it, there was but half a groſs left, and there had been no buttons of that deſcription ſold by us; there was a groſs of ſmall gilt buttons found upon him, of which the white outſide paper was torn off upon which the number was affixed, and it remained in brown paper only; to the beſt of my belief, that was the groſs that I miſſed, I have no doubt of it; the others are a kind of button that we have a great many of, I cannot identify them; I ſent for a conſtable, and the priſoner ſaid, he could give an account how he came by them.

Croſs-examined by Mr. Knowlys. Q. This was on a Sunday morning?—*A.* Yes.

Q. And you ſpent the morning in poſting your books, and taking ſtock?—*A.* Yes.

Q. I believe you were kind enough to take the plate out of his box?—*A.* The conſtable took it with the reſt.

Q. You had loſt no articles of plate?—*A.* No; they were afterwards returned to him.

Q. You were afterwards kind enough to ſtop a box of his, down at Wapping?—*A.* Yes; and that was returned to him.

Q. He told you he could give an account of theſe articles?—*A.* Yes; and I told him I was ſatisfied they were my property.

Q. Therefore that ſtopped all further explanation?—*A.* Yes.

Q. I believe you firſt of all accuſed him of coming diſhoneſtly by the plate, and then he grew rather cruſty, and refuſed to be ſearched till you ſent for a conſtable?—*A.* He did.

Q. Did it ever come to your knowledge that the priſoner was a dealer in goods of this ſort?—*A.* No; I never knew that he had kept a ſhop of any deſcription; I have heard it ſince, and I had reaſon to believe it, from invoices being found in his pocket of tea and hats.

Q. You never happened to hear that he dealt in buttons?—*A.* No, never.

Q. This manufacturer is, I dare ſay, entirely engaged in manufacturing for you?—*A.* By no means.

Q. And this mark is the manufacturer's mark, and not your's?—*A.* It is not our's, but the manufacturer's.

Q. Do you mean to ſay, that you had not ſold theſe articles by any perſon in your ſhop in the courſe of that week?—*A.* I mean to ſwear that no ſuch article has ever been accounted for.

Q. You have two partners?—*A.* They do not interfere at all in the conducting of the buſineſs, I conduct it myſelf, with Mr. Boyden, who travels for the houſe.

Q. And will you, where a man ſtands in the perilous ſituation in which the priſoner ſtands, ſwear poſitively to theſe goods?—*A.* I only ſwear to the beſt of my belief.

Q. How long had the priſoner been with you?—*A.* A month and two days.

HENRY CHURCH *ſworn.—Examined by Mr. Jackſon.* I am a conſtable; I was called in to ſearch the priſoner, I found theſe buttons in his coat pocket, *(produces them;)* one of the parcels I found looſe as they are now, there was a number upon one parcel 5391; I ſearched his box, and found ſome plate in it, which I kept till the Lord-Mayor ordered me to deliver it up to him again.

Croſs-examined by Mr. Knowlys. Q. Did Mr. Aſhneſs give you charge of the plate?—*A.* Yes, or elſe I ſhould not have taken it.

Q. Was there a blanket?—*A.* Yes.

Q. Any ſheets?—*A.* No.

Q. Any bed furniture, or curtains?—*A.* No; there were ſome calico.

Q. Does Mr. Aſhneſs ever deal in calico?—*A.* No.

Q. There was a pocket-book, perhaps?—*A.* Yes.

Q. And, perhaps, a Bank-note?—*A.* Yes, of 10l. and two guineas.

Q. Perhaps, he expected a box from Scotland?—*A.* Yes.

Q. He went after that too, perhaps?—*A.* Yes, by order of the Lord-Mayor; but it was not taken away till his wife went to fetch it with a letter from his Lordſhip; it was never brought before his Lordſhip, only an account taken of the things in it; I was ſent by the Lord-Mayor to ſearch it.

Q. And after ſearching it narrowly, you let it all go?—*A.* Yes.

Q. You found a great many articles of trade?—*A.* Yes.

Q. And bills of parcels?—*A.* I do not recollect ſeeing any bills of parcels, every thing was returned to him except the buttons. *(The buttons were produced in Court, and depoſed to by Mr. Aſhneſs.)*

MARK SAUNDERS *ſworn.—Examined by Mr. Jackſon.* I am the manufacturer of theſe buttons, this is my own number in my own hand-writing; I have ſold a great many to Mr. Aſhneſs.

Croſs-examined by Mr. Knowlys. Q. You are a very extenſive manufacturer of buttons in Birmingham?—*A.* I do not manufacture a great many.

Q. That is an extreme common pattern?—*A.* It is a pattern much in requeſt.

Q. How many thouſand groſs do you think you have ſold to other people?—*A.* I never manufactured thouſands of this pattern.

Q. Some hundreds, I dare ſay?—*A.* Yes.

Q. And then they have got diſtributed from thoſe perſons, to other perſons in London?—*A.* Very likely.

Q. You

Q. You have ſome left ſtill in your warehouſe, of the ſame pattern, and tied up in the ſame way? —*A.* Yes, exactly.

Q. Therefore, you could not poſitively ſwear, that theſe are not your's?—*A.* No.

Mr. Jackſon. Q. Is the priſoner at the bar one of your correſpondents?—*A.* I never ſaw him before.

The priſoner left his defence to his Counſel.

For the Priſoner.

SIMEON STAINES *ſworn.*—I am a footman; I have known the priſoner four years; when I firſt knew him, he was a labouring man, and lived with a gentleman, who was brother to my maſter; after that, he came to London, and lived with a gentleman in the city, for two years.

Q. Did he ever carry on any buſineſs in London?—*A.* Yes; I have ſold him buttons, my brother is a button-maker in Birmingham, and he ſent me up ſome buttons, which I ſold to the priſoner, he bought at one time, three groſs, and three pair of buckles.

Q. Who do you live with now?—*A.* Mr. Jaſper Atkinſon, in Aldermanbury.

Croſs-examined by Mr. Jackſon. Q. Who did he live with in the City?—*A.* Mr. Slack, a merchant in King-ſtreet.

Q. How long ago is that?—*A.* About three years.

Q. The buttons that you ſold him three years ago, would not look very freſh if they were to be produced now?—*A.* Yes, they would.

Q. Did he keep a ſhop?—*A.* I do not know; I know his intention was to deal in theſe things.

Q. What kind of buttons were thoſe that you ſold him?—*A.* White metal and gilt ones; I ſold him ſome fourteen months ago, and they were white metal.

Mr. Knowlys. Q. Your brother being a manufacturer in Birmingham, you ſold theſe buttons to ſerve him?—*A.* Yes.

Q. Did you ſell him ſuch a number, that they muſt have been more than his own private conſumption for cloaths?—*A.* Yes.

The priſoner called three other witneſſes, who gave him a good character, and depoſed that he dealt in various kinds of goods.

GUILTY (Aged 30.)

Tranſported for ſeven years.

Tried by the London Jury, before Mr. RECORDER.

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126. HENRY FOREMAN was indicted for feloniouſly ſtealing, privately, from the perſon of Joſeph Lord, on the 31ſt of October, a black leather pocket-book, value 2s. a Bank-note, value 30l. a Bank-note, value 5l. another Bank-note, value 5l. ſix Bank-notes, each of the value of 2l. and one Bank-note, value 1l. the property of the ſaid Joſeph.

JOSEPH LORD *ſworn.*—At the time of the robbery, I lived at No. 73, Berners-ſtreet, Oxford-ſtreet: On the 31ſt of October laſt, about eleven o'clock, I went out to buy a callendering-preſs, and at the bottom of Meard's-court, in Wardour-ſtreet, I met George Wilſon, James Tarver, and the priſoner; I did not know the priſoner, but I knew the other two very well; Wilſon aſked me to give him a glaſs of ſomething to drink, he had got no money in his pocket; he ſaid, he treated laſt, when I was at ſuch and ſuch a place; I had been unfortunately confined for a ſmall debt for ſix months; I only came out on the 21ſt of October; he ſaid, he had treated me there.

Q. Had he treated you there?—*A.* He had; it touched my feelings, and with that I told him, I would be glad if he would call upon me at my lodgings, for I was in a great hurry; he ſaid, he had no money, and wiſhed me to treat him and his friends; I went with him into Mr. Cummings's wine-vaults, the corner of Little Pulteney-ſtreet, and called for a ſhilling'sworth of rum and water; we went into a little room where there was no one but ourſelves; ſome one of the three, I don't know which, fetched in a pot of ale directly, and then another pot was brought in, then there was a third pot of ale came in; I aſked them, what they were about; I did not mean to get drunk of a morning, nor yet of an evening; I told them, I had felt ſo much where I had been confined before, in the Marſhalſea, and as I had received a ſmall legacy upon the death of my wife's mother, I hoped then to make a better uſe of it than to ſpend it, or throw it away in any fooliſh manner whatever; I laid down two ſhillings upon the table, with intent to pay the ſhot, but it was not ſufficient; I took out my pocket-book, and looked over what notes I had got; there were one Bank of England note of 30l. two 5l. notes, ſix 2l. notes, and one 1l. note, and there was a note that I had advanced 20l. to learn the buſineſs of my intended partner, Mr. Chandler, and a receipt for 15l. for goods I had bought; when I had looked them over, I put my pocket-book in my left hand pocket, and buttoned it up; I went out to make water, but before I went out, I aſked the priſoner's name, as he was a ſtranger to me; we had been talking about cleaning ſome clothes; he ſaid, he had ſome that wanted cleaning, a pair of pantaloons and a waiſtcoat; I told him, that we ſhould be glad to ſerve him; he ſaid, his name was Foreman, and that his mother lived houſekeeper to Lord Groſvenor, in Groſvenor-ſquare; when I returned into the room, Wilſon ſaid, Mr. Lord, you had better ſit down by the ſide of Mr. Foreman,

Foreman, as you were full of diſcourſing before you went out; I had been ſitting at a table by myſelf at the farther end of the room, when I counted my notes; I ſat down then next to the fire, and then Wilſon went out; Tarver went out before that; Foreman directly moved, and ſat down by me upon the ſame bench, he ſat cloſe to my left-hand pocket, where my pocket-book was; Foreman then ſaid, he thought the ale did not agree with him, he ſaid, he had got a purging upon him; he begged leave to paſs me; he paſſed me by the corner of the table, and ſtopped about two or three minutes; he returned, opened the door, and peeped in, but did not come in; he went away without ſaying a word to me; the landlord came in almoſt inſtantly, and in about five minutes I miſſed my pocket-book; nobody elſe had been into the room at all; I immediately exclaimed, my God! I am ruined; I went out and looked each way, to ſee if I could ſee any thing of them, but could not; and then I went to Bow-ſtreet; I ſaw no more of any of them for five weeks, within one day; and then I ſaw the priſoner, and took him, at a broker's, in Kent-court, Berwick-ſtreet, I had received information that he was there; I took a watchman with me, we went up ſtairs, and found him lying on the bed, about nine o'clock in the evening, he had his hat on; I looked under his hat, and ſaid to the watchman, this is my priſoner; he ſaid, he would go with us; he was taken to St. James's watch-houſe, and the next day, we had him up to Marlborough-ſtreet; I aſked him, going along, how he could do ſuch a thing as to take my pocket-book, and he ſaid, that was no place for examination, and he ſhould not ſay any thing further about it; I have never found my pocket-book or notes ſince.

Croſs-examined by Mr. Knowlys. Q. Had you any note or bill of exchange due to you, beſides the 53l. that you ſay you have loſt?—*A.* No.

Q. Then I take it for granted, you never have ſaid to any body, that you had loſt 120l.?—*A.* I never ſaid any thing of the kind.

Q. Did you never aſk 120l. of any body to indemnify you for your loſs?—*A.* I never did, upon my oath.

Q. Did you ever give in 106l. as your loſs?—*A.* Receipts and all amounted to 106l.

Q. Did you never aſk 106l. to indemnify you?—*A.* No.

Q. There was nobody elſe in the room at any part of the time, but theſe three men and yourſelf?—*A.* There were no more, except the landlord and landlady coming in and out.

Q. It was after you had looked over the notes, that he told you his name was Foreman?—*A.* Yes; he told me a very great ſtory to ſay that his mother was houſekeeper to Lord Groſvenor.

Q. Lord Groſvenor has more houſes than one, we all know—Don't you know that he gave you his real name?—*A.* I have not a doubt of it.

Q. Did you not ſay before the Magiſtrate, that when Foreman returned into the room, he obſerved to you that Wilſon and Tarver were gone away, and then he went away?—*A.* No, I did not ſay ſo; he never came in at all.

Q. You expected to be the pay-maſter for this liquor that was called for?—*A.* Yes.

Q. Therefore there was no occaſion for them to wait to pay the reckoning?—*A.* No; I was treating them in friendſhip as I thought, little thinking they meant to rob me.

Q. You took up this man on the 3d of December, and he was not committed for trial till the latter end of December?—*A.* He was not.

Q. Mr. Chandler, who was to have been your partner, is here, is he not?—*A.* Yes.

Q. You have occaſionally given him accounts of this buſineſs?—*A.* Yes.

Q. Do you know a relation of Wilſon's of the ſame name?—*A.* Yes; he called upon me the next day after I was robbed, at my own lodgings.

Q. Do you know a perſon of the name of Foreman, a relation of the priſoner's, who lives at the Tower?—*A.* Yes; I ſaw him before I came in.

Q. Did you never ſay it was Wilſon who robbed you?—*A.* No; I have ſaid, he was certainly the inſtigation of my being robbed, but I never ſaid he was the man that robbed me.

Q. Did you never ſay, you did not know who had robbed you, and that you only knew you had the money before you got there?—*A.* I never did.

Q. You called upon Foreman, in the Tower?—*A.* Yes; he keeps the Golden-chain public-houſe.

Q. Did you never tell him, if he would come forward and advance 25l. or guineas, you would take care not to appear?—*A.* I never ſaid any thing of the kind.

Q. Did you not go a ſecond time, and ſay to Foreman, if he would advance fifteen guineas, you would ſay no more about it?—*A.* I did not.

Q. Had you a conſtable with you?—*A.* Yes; his name is Kennedy.

Q. Did you not ſhew him a warrant?—*A.* The conſtable did.

Q. Did you not tell him, if he did not advance money, you would take Foreman up?—*A.* No, I did not.

Q. Did he not ſend you away, telling you you were a couple of bites, and he would have nothing to do with you?—*A.* No; he ſpoke very ſhort and ſaucily to us, and we walked off, we had no right to be talked to in that manner, we went there in hopes of finding the priſoner.

Q. Did

Q. Did you never ſay, that you were determined you would not loſe all the money, for you would have 40l. or elſe you would hang this man?—*A.* I never did; for I believe there is nothing to be had about it.

Q. Do you know Sarah Lettin?—*A.* Yes; her huſband has been with me ſeveral times, and wrote ſeveral letters upon the buſineſs.

Q. Did you never ſay ſo to her?—*A.* No.

Court. Q. Wilſon is an old acquaintance of your's?—*A.* I have known him three or four years; he is now in the army accoutrement line, I had no ſuſpicion, I looked upon him as a reputable man.

Q. Was kind to you when you were in diſtreſs?—*A.* Yes; Tarver was journeyman to Wilſon.

Q. What took you to Foreman's relation in the Tower?—*A.* There had been a great number of people at my lodgings about it, to ſettle it.

Q. Did you go there with an intent to take money from him?—*A.* Nothing of the kind, I took a conſtable with me, in hopes of taking him there.

RICHARD TERRY *ſworn.*—I am a boot and ſhoe-maker, No. 10, Pitt-ſtreet, Tottenham-court-road; Foreman lodged with me about half a year, I had ſome letters from his uncle.

Q. Have you had any from the priſoner?—*A.* No; he went away from me on the 7th of November, he was away for eleven days, and when he came back, he had a watch and a horſe.

JOHN CHANDLER *ſworn.*—I am a calico-glazer; I know nothing at all to affect the priſoner, any more than Mr. Diſney coming to make it up.

Jury. (To Lord.) Q. Are you ſure you had the pocket-book, when you returned out of the yard?—*A.* I am very ſure I had it when I returned; I am very ſubject to put my hand to my coat-pocket, when I have any property in it.

The priſoner left his defence to his Counſel.

CHARLOTTE ROBINS *ſworn.*—*Examined by Mr. Knowlys.* I live at No. 16, Duke's-court, Drury-lane.

Q. Do you know Mr. Lord?—*A.* I have ſeen him ſeveral times; the firſt time I ſaw him was in the Marſhalſea-priſon.

Q. Did you ever hear him ſay any thing about the loſs of his money?—*A.* Yes; I heard him ſay, that he had loſt a ſum of money in a public-houſe, in Wardour-ſtreet, or Berwick-ſtreet, I don't know which; he ſaid, he had loſt his pocket-book out of his pocket; he ſaid, there were three men in company with him, and he could not tell who took it; he ſaid, he felt one Mr. Wilſon to unbutton his coat, he ſaid, as he had got Henry Foreman, he would go round to all his friends, to ſee if they would make up his money, rather than loſe it all, he would take 20l. ſooner than hurt either of them.

Croſs-examined by the Court. Q. Where was it that you heard him ſay this?—*A.* At Sarah Lettin's, No. 17, Stewart's-rents, in the morning of the day that he took Foreman at night.

Q. How do you know he took him that night?—*A.* I was in the houſe when he was taken; Sarah Lettin, is my ſiſter, and I was there to ſee her.

Q. What brought Lord there?—*A.* I don't know; he came there very frequently.

Q. How came you to be at the houſe where the priſoner was taken?—*A.* I knew the people, and I went to ſee them.

Q. Your viſit was not to Foreman?—*A.* No, to the people in the ſecond floor.

Q. What time was it that he was taken?—*A.* About ſix o'clock.

Q. Did you know that he lodged there?—*A.* He did not lodge there; he was up there when I went in, I had known him a long while.

SARAH LETTIN *ſworn.*—*Examined by Mr. Knowlys* I live in Stewart's-rents; the proſecutor came backwards and forwards to my apartments, I have heard him ſay, he could not tell who robbed him, he could not tell that it was either Wilſon, Tarver, or Foreman; he ſaid, he had his money before he went into the public-houſe, and he miſſed it when he came out; I heard him ſay, he believed Wilſon to be the man who picked his pocket, for he felt his hand in his pocket; he ſaid, likewiſe, that he had known him to be a very bad, baſe man, he had been a journeyman of his, and he had found him out to be a very wicked man, only, he ſaid, as Foreman was in the company, he knew his friends were people of credit, and he thought, if he took him up, his friends would come forward and ſettle the matter; he ſaid, he had been to Wilſon's friends, and told them, that the money he had loſt was 120l. I aſked him why he informed me before that it was only 53l. he ſaid, becauſe he thought he ſhould get his 53l. back, and a little more to make up his loſt time; I have repeatedly heard him ſay, that if he could not do the priſoner Foreman over, at Marlborough-ſtreet, he would be ſure to do it at the Old-Bailey, as he ſhould bring forward plenty of witneſſes, and if he was hung, he ſhould be ſure to have 40l. towards his 53l. he ſaid that repeatedly.

Croſs-examined by the Court. Q. What are you?—*A.* I am a poor man's wife, my huſband gets his bread, ſometimes being with an attorney, in term time, and at other times, any thing he can get to do in an honeſt way.

Q. What attorney is he with?—*A.* He has been with Mr. Johnſon, in the New-inn, Mr. Humphreys, and Mr. Yates, in Cook's court, Carey-ſtreet.

Q. What do you do towards your living?—*A.* I do

do not do any thing but mind my family, it is not in my power, I have three children.

Q. How long have you been acquainted with Mr. Lord?—*A.* I believe it is about ſix weeks ſince I firſt ſaw him.

Q. What brought him to your houſe?—*A.* He came to my houſe continually to ſee if he could find out Wilſon and Tarver.

Q. Do you know them?—*A.* No; I never ſaw them in my life.

Q. Did you tell him you did not know them?—*A.* Yes.

Q. How came he to repeat his viſits at your houſe then?—*A.* I do not know; he was very riotous at our houſe.

Q. How often have you had converſation with him upon this ſubject?—*A.* I cannot ſay how often, he has repeatedly come to my lodgings; he has ſaid, that he was very ſorry that he had taken up Foreman, becauſe he believed Wilſon was the man; but he thought Foreman's friends, being people of credit, would come forward.

GEORGE FOREMAN *ſworn.*—I keep the Golden-chain public-houſe, in the Tower; my brother is the priſoner's father.

Q. Do you know Mr. Lord?—*A.* I know a gentleman who anſwered to the name of Lord, that is the man, *(pointing to him)*; he is in a different dreſs; he called upon me two Sundays running, about four or five weeks ago, before my nephew was taken up; the firſt time he came alone, and aſked me if my name was not Foreman; I ſaid, yes; then he aſked me if I had not a nephew in the Supplementary Militia; I told him I believed I had, I had been informed ſo, but not knowing the truth of it, I could not ſay; he told me he had been in his company, and had loſt a pocket-book with Bank-bills, and Bank-notes, and Bills of Exchange, to the amount of one hundred and twenty pounds; and, to the beſt of my recollection, he aſked me what was to be done in it; he ſaid, if he could get but twenty-five pounds he would ſay no more about it; I ſaid I would advance no money upon any ſuch pretences; he ſaid, he had been offered ten pounds more than he had loſt, and had refuſed it, I believe that was all that paſſed that evening; he came again the Sunday following, with an elderly gentleman who ſaid he was a conſtable, and they aſked me what was to be done in the buſineſs, for they meant to take him up; the elderly gentleman ſhewed me a piece of paper like a warrant, I was apt to think it was an old warrant, or a ſham matter, becauſe it was all over dirt.

Q. Did you read it?—*A.* No, they would not let me; Mr. Lord then offered to take fifteen guineas; I told him I would not advance any thing; Mr. Lord told me then he ſhould perſevere; I wanted to know the reaſon why the other people that were in the room with him were not taken up as well as Foreman; and he ſaid they were abſent, not to be found; and that if I, or ſome of my family, did not come forward, he ſhould take him up.

Croſs-examined by the Court. Q. Have you known much of this nephew of your's of late?—*A.* I have not ſeen him, above once or twice, theſe ſix months.

Q. You did not know he was in the Supplementary Militia?—*A.* I had heard ſo, but I could not believe it.

Q. What way of life was he in?—*A.* An apprentice to a cabinet-maker.

Q. What was his maſter's name?—*A.* Dowling, in Lambeth-marſh; he had been apprenticed about four years.

Q. Do you know any perſon of the name of Diſney?—*A.* No.

Q. Then, of courſe, you never gave any ſuch perſon authority to ſettle the matter, and deſired him to apply to you?—*A.* Never.

Q. Nor any one elſe?—*A.* No.

The proſecutor was then called up again, and interrogated as to the ſeveral expreſſions ſworn to by the witneſſes for the priſoner, all which he poſitively denied.

The priſoner called three other witneſſes, who gave him a good character.

GUILTY (Aged 22).

Of ſtealing, but not privately.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury, before Mr. Baron THOMPSON.

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127. JAMES WELLS was indicted for feloniouſly ſtealing, on the 6th of January, a buſhel of oats, value 3s. the property of Richard Baxter.

(The caſe was opened by Mr. Knowlys.)

JOHN WESTON *ſworn.*—*Examined by Mr. Knowlys.* I am bailiff to Mr. Richard Baxter, a farmer, at Stanwell, near Staines: The priſoner was a labourer employed by Mr. Baxter; he was what we call a taſker, working taſk-work; he was threſhing wheat in the barn adjoining that barn where the oats were; we had miſſed oats ſeveral times.

Q. Were they in ſacks, or in a heap?—*A.* In a heap; I miſſed the oats from there being a hole in the heap, of about a buſhel, or ſuch a matter as that. Laſt Friday week, about half paſt four in the afternoon, they had then done their day's work, I met the priſoner about half a mile on the high road, towards his own houſe, he had a bundle of ſtraw upon his back, and I ordered him to lay it down, that I might look into it; he looked at it, and ſaid it is very clean, and took ſome ſtraw from the

the bundle; I ſaid, that was not what I was looking after, this is what I am looking after, and I took out a bag, which contained a little better than a buſhel of oats; he ſaid he did not know any thing about it.

Q. Did the bag of oats weigh more than the bundle of ſtraw?—*A.* Yes.

Q. Could a man have a bag of oats in a bundle of ſtraw without knowing it?—*A.* No; the oats that I found in the bag were of the ſame kind with thoſe we had in the barn.

GEORGE HURST *ſworn.*—*Examined by Mr. Knowlys.* I am a labouring man, I work for Mr. Baxter; I know nothing of the taking of the oats. *(Produces the oats that were taken from the priſoner, and a ſample of thoſe which remained in the barn).*

The priſoner did not ſay any thing in his defence.

GUILTY (Aged 25).

Publicly whipped, and diſcharged.

Tried by the firſt Middleſex Jury, before Mr. RECORDER.

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128. JACOB LYONS was indicted for feloniouſly ſtealing, on the 28th of December, a ſilk cloak, value 12s. the property of Catherine Thomas.

CATHERINE THOMAS *ſworn.*—I was a ſervant out of place, I lodged at No. 30, King-ſtreet, Drury-lane, the priſoner came there with a box of ſweet things on his head: On Thurſday the 28th of December, between eleven and twelve o'clock, the landlady of the houſe bought threepennyworth of ſweet things; ſhe went out for a weight, and left me with the priſoner, he ſtood with his back againſt the drawers where the cloak was, I did not miſs the cloak till after he was gone out, I had a ſuſpicion of him; I went out, and ſaw him running in the ſtreet; I called out ſtop that man, he has got my cloak; he turned his face and looked at me, and then he ran away; he was ſtopped, and brought back, and I ſaw the ſtring of the lace hanging out of his coat pocket; and I took the cloak out of his pocket myſelf.

Croſs-examined by Mr. Alley. Q. Are you ſure this was your own cloak?—*A.* Yes.

Q. There had been ſome dealing between you and the priſoner about ſome old clothes, and the cloak among the reſt, I believe?—*A.* No.

Q. Have you not been to ſee him in priſon?—*A.* Yes.

Q. And had five ſhillings of him as a part of the money for your cloak?—*A.* No.

Q. Do you know Sarah Martin?—*A.* No.

Q. Do you know Judith Cohen?—*A.* No.

Q. Do you know Frances Samuel?—*A.* No.

Q. Did not you get five ſhillings from a friend of his?—*A.* I borrowed five ſhillings from a man to go into the country with.

Q. Did you not tell the priſoner, when you ſaw him in the priſon, that the cloak was ſold unknown to you; and if he would give you two guineas you would not appear?—*A.* No; they offered me two guineas;—I was ſurrounded with Jews ſo, that I did not know what I was about.

Q. You never ſaw the man before that you had the five ſhillings of?—*A.* No.

Q. What did you go to the priſon for?—*A.* I went to ſee the priſon, and among the reſt I ſaw the priſoner; he ſaid, he hoped I would not be too hard.

Court. Q. What country-woman are you?—*A.* A Welch-woman.

Q. How long have you been in town?—*A.* Four years.

Q. Upon your oath, did you go to the jail in hopes of getting any money for your cloak, or was it mere curioſity to ſee the jail?—*A.* Mere curioſity to ſee the jail; I had never been there before.

Q. Did you aſk to ſee the priſoner?—*A.* No, I did not; I put my head through a hole and ſaw him, I ſaid, that is him, I know him.

Q. You ſay you were ſurrounded ſo that you did not know what you were about, was that in the jail?—*A.* Yes.

Q. Was any body with you?—*A.* Yes; the Jews.

Q. Where did you firſt meet the Jews?—*A.* In this Court, when I came to appear againſt the man.

Q. Was it at the inſtigation of the Jews about you, that you went into the jail?—*A.* Yes, it was.

JOSEPH BELL *ſworn.*—On the 28th of December, I was at No. 35, Brownlow-ſtreet, Drury-lane, I heard the cry of ſtop thief, I ran out and met the priſoner plump in the face, I laid hold of him, he had a box on his head; I delivered him immediately to a perſon of the name of Glover, and left him; the priſoner is the man; he deſired me to let him go.

WILLIAM GLOVER *ſworn.*—I am a coach-ſmith: On the 28th of December, I ſaw the priſoner come running up King-ſtreet, he paſſed me, and Mrs. Thomas directly came running after him, ſhe cried, ſtop thief; I ran after him, and he ran down Brownlow ſtreet; Mr. Bell was at his maſter's door, and I called out, ſtop that man; he ſtopped him, and gave him to me; I ſaid, you muſt come back; he ſaid, "don't put nothing in my pocket;" then Mrs. Thomas came up, and ſhe ſaid, the priſoner had ſtole her cloak; ſhe ſaid, there are the ſtrings hanging out of his pocket; I ſaw her take it out of his pocket; ſhe ſaid, it was her property; and he was taken before a Magiſtrate, and committed.

Mr. Alley. Q. Had you been in her houſe that morning?—*A.* No, I had not.

Mrs.

Mrs. Thomas. This is my cloak, I bought it ready made.

Q. There are a great many of the ſame ſort?—*A.* Yes.

For the Priſoner.

FRANCES SAMUEL *ſworn.*—Laſt Saturday I came here to give the priſoner a character, and I went into the priſon to ſee him; I have known him many years; he had a great many people ſitting drinking with him, and among the reſt was Mrs. Thomas; I talked to her a good deal, and ſaid, it was a pity, as the young man had a wife and child, to hurt him; and ſhe ſaid, ſhe would not, if ſhe had two guineas to carry her to Bath; there was a gentleman along with me, who ſaid, he could not afford to give her two guineas, and he gave her five ſhillings, his name is Jacob Levi, he is not here, he keeps a chandler's ſhop, in Woolſack-alley, Houndſditch; ſhe thanked him, and ſaid, ſhe was going to Iſlington, and that would bear her expences on the Sunday, and if ſhe could get the reſt raiſed againſt the Monday morning, ſhe would not come again: On the Monday morning, ſhe came with Mr. Glover, one of her own witneſſes, to Mrs. Martin, in Petticoat-lane, for the money, and ſhe ſaid, if ſhe had the two guineas, ſhe would not hurt him; I was not there.

Court. Then you muſt not tell us any thing about it.

Witneſs. I have entruſted him with great property; he always bore a good character.

Mrs. Thomas. I only borrowed the five ſhillings, and I have a witneſs in Court that ſaw me pay it again on the Monday.

Q. Were you drinking with the priſoner?—*A.* No, I was not; they offered me beer, but I would not drink; I did ſay, I would not wiſh to hurt him, I wiſhed he was cleared.

Q. Did you ſay you were going to Iſlington, on Sunday, and if they would raiſe two guineas, you would not come again?—*A.* No, I did not; I borrowed five ſhillings to go to Iſlington, and paid it again on Monday.

Q. Did you ever promiſe not to proſecute him, for two guineas?—*A.* No.

Q. Did you ever promiſe not to proſecute him, for any money?—*A.* No.

Q. Did you ſay any thing about going to Bath?—*A.* I ſaid, I would go to Bath as ſoon as the Seſſions were over to ſee my huſband's friends.

SARAH MARTIN *ſworn.*—My huſband is a baker in Petticoat-lane; Mrs. Thomas came to my houſe on Monday morning with Glover, ſhe was at the corner of Petticoat-ſquare, at a wine-vaults, and three or four more people with her, they were coming to try to get money from the priſoner's friends, I ſtepped to the door to ſee what was the matter, it was juſt fronting my door, I aſked them to ſtep into my houſe, the other people that were with her were all Jews, I ſaid, you are not going againſt the man, and ſhe ſaid, ſhe did not wiſh to go againſt the man, if ſhe could have two guineas to go to Bath, ſhe would not wiſh to hurt him; I ſaid, I don't think they will truſt you with the money, they will be afraid, and Mr. Glover ſaid, if they are afraid to truſt her with the money, let them pay the coach for her, and ſee her ſafe in bed, and then they will be ſure of her; they ſaid, they could not give the two guineas till the young man was cleared; ſhe ſaid, ſhe would not do that, ſhe would run her chance, and ſhe ſhould be paid her expences, and that would be as much as the two guineas; the priſoner lived in my houſe, on and off, fourteen or fifteen years, I never heard any harm of him, he has left me about two years; I had ſeen Mrs. Thomas the ſame morning att he priſoner's mother's, along with Mr. Glover; I told her, ſhe ſhould not have taken the 5s. towards making it up, it was not a right thing, and ſhe ſaid, ſhe would give it them back again, I told her, I did not think they would take it back now.

Court. (To Mrs. Thomas.) *Q.* You have heard what this woman has ſworn?—*A.* Yes.

Q. Is it true or falſe?—*A.* It is not true.

Q. Did you or not, offer to make it up for two guineas?—*A.* I did not, ſhe has ſworn falſe about the two guineas, and about taking five ſhillings in part.

Court. (To Glover.) *Q.* You have heard what that woman has ſworn—did ſhe, or not, offer to make it up for two guineas?—*A.* They ſaid, ſhe had offered to make it up for two guineas, I cannot ſay whether ſhe did, or not, I was at the door the greateſt part of the time; there is a Jew, called Aby, comes our way, crying bad ſhillings, and he called Mrs. Thomas out; I ſaw her going after him, and I went to ſee where ſhe was going, he took us to his houſe, he ſaid, the trial will not come on this morning; he took us to the priſoner's mother-in-law, and then to Mrs. Martin's, they were telling her ſhe had offered two guineas to make it up, and ſhe ſaid, ſhe did not wiſh to hurt him, but if ſhe did make it up, ſhe could not think of ſtopping in London; I told her, if ſhe did any thing unknown to Bell and me, we ſhould come upon her for our time that we had loſt; then we came away, and Aby with us, Aby ſaid, I don't ſee that you will come to any terms, I will aſk the woman for my 5s. that I lent her, and I ſaw her give him the 5s. back again.

JUDITH COHEN *ſworn.*—I have known the priſoner about ſix or ſeven years, he is an honeſt hard working man, he has worked for me five

or

or ſix years, he has always borne a very good character.

GUILTY (Aged 23.)

Confined twelve months in the Houſe of Correction, and fined 1s.

Tried by the firſt Middleſex Jury, before Mr. RECORDER.

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129. JOHN WHEELER, THOMAS HALL, and WILLIAM SKILSBY were indicted, the two firſt, for feloniouſly ſtealing, on the 17th of November, a boiling copper, value 10s. belonging to Alexander Wells, fixed to a certain building, and fixed to his dwelling-houſe, they having no title, or claim of title thereto, and the other for receiving the ſame, knowing it to be ſtolen.

(There being no evidence to prove the ſtealing of the copper, the priſoners were

All three ACQUITTED.

Tried by the firſt Middleſex Jury, before Mr. Juſtice HEATH.

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130. MICHAEL MACKDEW was indicted for feloniouſly ſtealing, on the 28th of December, a ſaw, called a frame ſaw, value 7s. the property of William Thurgood.

WILLIAM THURGOOD *ſworn.*—I am a timber-merchant; I loſt a framed ſaw on the 28th of December, I had ſeen it that morning, my man ſaw him go away with it, he was ſtopped and apprehended, the ſaw is here.

GEORGE FRENCH *ſworn.*—I ſaw the priſoner going out of the yard, I purſued him and overtook him, he put the ſaw down juſt before I came up to him, it is my maſter's ſaw.

Thurgood. It is my ſaw.

Priſoner's defence. A man gave it me to carry.

Proſecutor. The priſoner ſaid, he did it to get ſome victuals and drink.

GUILTY.

Whipped in the Jail and diſcharged.

Tried by the firſt Middleſex Jury, before Mr. Juſtice HEATH.

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131. JOSEPH HAWKES was indicted for breaking and entering the dwelling-houſe of Edward Briſtow, about the hour of ſix in the night of the 14th of December, with intent the goods and chattels in the ſaid dwelling-houſe, then being, feloniouſly, and burglariouſly to ſteal, and burglariouſly ſtealing, an iron copper-door, value 12d. the property of the ſaid Edward, the ſaid Edward, James Tinley, and others, of his family, then being in the ſaid dwelling-houſe.

EDWARD BRISTOW *ſworn.*—I live in Charles-ſtreet, Tottenham-court-turnpike, I keep a houſe there; on Thurſday the 14th of December laſt, I got up about ſix o'clock, I had occaſion to go backwards, I ſaw my waſh-houſe window broke open, I had a candle in my hand, I looked into the waſh-houſe through the window, and ſaw the priſoner ſtooping down in the waſh-houſe, with his head cloſe to the copper-hole; I aſked him what he did there, he told me, he was doing nothing, he got up, and ſaid, let me come out, he put his foot up in order to come out, and I knocked him backwards to prevent him coming out; I immediately gave an alarm in the houſe, of a thief; as ſoon as I got aſſiſtance, I went and got the key, and opened the waſh-houſe door; I then made up to the priſoner, I ſaw the copper cloth that is put to conceal the brick work, torn all round; I looked down at the priſoner's feet, and ſaw the copper door taken off the hinges; I ſaid to the priſoner, what, you have made a beginning? he ſaid, yes, I have, and diſtreſs has drove me to it; I then took him, and delivered him up at the watch-houſe.

Q. Had you ſeen the waſh-houſe window open the night before?—*A.* No; I ſaw it at one o'clock the day before, when I came home to dinner, it is a place that we never have occaſion to open in the winter time; the bead that confines the window was taken off, and laid by the ſink, inſide of the waſh-houſe.

Q. Had he any light?—*A.* No.

Q. Who uſes this waſh-houſe, I ſuppoſe, the family and the ſervants?—*A.* Yes, but we had no ſervants at that time.

Q. How is it ſituated?—*A.* Cloſe to my dwelling.

Q. There is no inward communication?—*A.* No; only by the flews, there is no door, it is built againſt the wall cloſe up to the houſe, and immediately adjoins in the yard, encloſed with a wall.

Q. Do not the lodgers waſh in it?—*A.* Nobody waſhes in it, at preſent, but my wife, for the lady in the firſt floor does not waſh at home.

Q. It is not let to the lodgers as a part of their lodging?—*A* No.

CORNELIUS HATFIELD *ſworn.*—In the morning of the 14th of December, a few minutes after ſix o'clock in the morning, I was awaked out of my ſleep by the cry of thieves; I came down without putting my cloaths on, and at the bottom of the ſtai s, I heard that the priſoner was ſecured, I told them to keep him while I put my cloaths on; when that was done, I came into the yard, and interrogated the priſoner; I ſaid, what have you got

nothing

nothing to do, but to come to break open the houſe, and to diſturb people at this time of the night? and he ſaid, it is true, ſir, I do come for that purpoſe; what, ſays I, do you come for the purpoſe of breaking open the houſe? yes, ſir, ſays he, it is the firſt offence I ever committed, I never will do ſo any more, I hope you will forgive me, and concluded, by adding, that he was drove to it by diſtreſs, or poverty, I cannot ſay which was the word that he made uſe of; I went into the waſh-houſe, and ſaw the cloth that was round the copper all torn off, and the door laid about the middle of the waſh-houſe, the priſoner was ſecured and taken to the watch-houſe.

Court. (To Briſtow.) Q. What was uſually kept in that waſh-houſe?—*A.* Utenſils about the houſe; our yard is ſo expoſed, that we never leave any thing there of value.

Court. Gentlemen of the Jury, it ſeems to me, that the priſoner cannot be convicted upon this indictment; he is indicted for breaking the dwelling-houſe, with intent to ſteal the goods, and ſtealing a copper door, the property of Edward Briſtow; the evidence has ſhewn, that about ſix in the morning, when there was occaſion for a candle, the proſecutor diſcovered the priſoner in the waſh-houſe, and he found the copper door lying upon the ground, but that could not be a ſtealing of the goods, it muſt be laid to be affixed to the freehold; and as to the charge of breaking, with intent to ſteal the goods, it does not appear that there were any moveable goods in the place.

NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. Baron THOMPSON.

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132. DANIEL JUDD and SAMUEL FRENCH were indicted for feloniouſly ſtealing, on the 30th of December, 20lbs. of bacon, value 7s. the property of John Chandler.

THOMAS TYRRELL *ſworn.*—I live at No. 10, Lower-ſtreet, Iſlington, with Mr. Stifford, an apothecary, very near Mr. Chandler's: On Saturday, the 30th of December, I ſaw the priſoners between ſeven and eight at night, lurking about in Croſs-ſtreet, Iſlington, peeping in at every window, and looking down ſeveral areas, I ſuſpected them, and watched them, I ſaw them go into a chandler's ſhop, in Upper-ſtreet, I watched them from there to Mr. Chandler's, which is a few doors farther in the ſame ſtreet, there was a woman in the ſhop, and they kept walking backwards and forwards, till the woman came out, then Judd went up to the door, Mrs. Chandler was in the ſhop, and he came away again, he went up ſeveral times, and came away; at laſt Mrs. Chandler went into the back room, Judd went up to the door, and went into the ſhop, the other ſtood on the ſteps; Judd then brought ſomething out and gave to French, who went acroſs the road with it; I followed him, and caught him near the top of Croſs-ſtreet; I brought him back with the bacon.

Q. Did you watch them ſo near as to be certain to the perſon of Judd?—*A.* Yes.

ROBERT HUDSON *ſworn.*—I have a ſtable in Croſs-ſtreet, Iſlington: I ſaw theſe two boys ſtanding by Mr. Chandler's window, I ſuſpected them, I went into the Church-yard and watched them; I had not ſtood there above five or ſix minutes before I ſaw Judd go up the ſteps, once or twice, and return again; at laſt he opened the door and went in, he brought ſomething out and gave to the other boy, he held his apron up, and ran away with it acroſs the road; I was going to run after him, when the laſt witneſs popped out of a court between him and me, he went after French, and Judd ſeeing that, went to turn about to run away, and came directly into my arms, *(produces the bacon)*; I have had it ever ſince.

JOHN CHANDLER *ſworn.*—I am a cheeſemonger, the corner of Mitre-court, Upper-ſtreet, Iſlington: I was not at home when the bacon was ſtole; I had ſuch bacon as this, but it is a hard thing to ſwear to.

Judd's defence. I was coming home from coal-work, I know nothing at all of it.

French's defence. I picked the bacon up in the road, and this gentleman came and laid hold of me.

Judd, GUILTY (Aged 16.)
French, GUILTY (Aged 17.)

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury, before Mr. Juſtice LAWRENCE.

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133. JEREMIAH LAWES and JOHN GRADY were indicted for feloniouſly ſtealing, on the 11th of January, thirty-ſeven pounds of cheeſe, value 20s. the property of James Kilby.

JAMES KILBY *ſworn.*—I am a cheeſemonger, in Butcher-row, Eaſt-Smithfield; I was not at home when the cheeſe was ſtolen.

GEORGE SKINNER *ſworn.*—I am a ſhoe-maker: I was on the oppoſite ſide of the way, and ſaw the two priſoners ſtanding at Mr. Kilby's window, Grady went in, and the other ſtaid outſide; I ſaw Grady come out with ſomething under his arm, and they both went away together, they had been in converſation ſome time before; I went to take hold of Grady, and he dropped the cheeſe; I got aſſiſtance, and they were both taken.

Grady's

Grady's defence. I know nothing of it.

Lawes's defence. I was going paſt, and aſked this lad what o'clock it was, and juſt after I heard a cry of ſtop thief, and Mr. Skinner laid hold of me; I went with him directly.

The priſoner Grady called four witneſſes, who gave him a good character.

Lawes, GUILTY (Aged 16.)

Tranſported for ſeven years.

Grady, GUILTY (Aged 16.)

Confined two years in the Houſe of Correction, and fined 1s.

Tried by the firſt Middleſex Jury, before Mr. Juſtice HEATH.

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134. JOHN WILLIAMSON was indicted for feloniouſly ſtealing, on the 7th of December, an iron kedge anchor, value 3l. the property of John Buſher.

JOHN BUSHER *ſworn.*—I am a chain lighterman, I live in St. Catherine's-ſquare: On the 7th of December, I had left my boat at Iron-gate, leading from Tower-wharf, I left an anchor in my boat made faſt; the next day, about eleven o'clock, I ſent my ſervant after the boat, I got my boat again about four in the afternoon, but the anchor was gone; I never ſaw the anchor again till the 7th of January, on board a ſmall ſloop, what they call an Oyſter-ſmack, called the Neptune, ſhe was lying at Billingſgate dock, I underſtood ſhe belonged to one John Richmond; it is marked J. Buſher, one hundred two quarters and three pounds.

JOHN RICHMOND *ſworn.*—I am an oyſter-drudger, the Oyſter-ſmack called the Neptune belonged to me: About ſix weeks ago, I went down to St. Catherine's to ſee if I could buy a ſecond-hand anchor; I met with one William Day, a waterman, at Iron-gate, I knew him, and I aſked him if he knew where I could get one, I thought he might have ſeen ſuch a thing about; he told me, he thought he knew of one; and I told him to bring it on board the next time I came up; I went off, and returned again the next week, and the priſoner brought the anchor on board, about a month ago, or it may be a little more, William Day came along with him, I was then lying in Billingſgate Dock; I aſked the priſoner the price of the anchor; he aſked me two guineas and a half; I told him I had got one on board a hundred weight heavier that was bought for two guineas; Williamſon ſaid I ſhould have it for two guineas; we went on ſhore and had a pot of liquor, we left the anchor on the veſſel's deck; I gave Williamſon a guinea, I had no more money, and told him I would give him the remainder next voyage; when I came the next voyage, I gave him half-a-guinea more, at a houſe in Darkhouſe-lane, I had no more then; and about a fortnight after that, Buſher came and claimed it; I told him, if it was his he muſt have it; I told him I bought it of ſuch a man.

Q. How came you to employ a waterman to ſee for an anchor for you?—*A.* Becauſe he knew the place better than I did.

Q. Did you obſerve the name of Buſher upon it?—*A.* No.

Q. Nor the weight?—*A.* No.

Q. Is it not uſual to mark anchors with the weight?—*A.* Yes, but they very often wear out; I did not ſee it till I came to uſe it.

JOHN COOK *ſworn.*—I am a conſtable: I apprehended the priſoner at Blackwall, on the 9th of this month, I believe he is a waterman. *(Produces the anchor).*

Buſher. This is my anchor.

Q. What burden is your veſſel?—*A.* About a ton, or a ton and a half; they uſe it in tranſporting ſhips up and down the River.

Priſoner's defence. I know nothing of the anchor, nor yet of Richmond, I never had any dealings with him in my life; he ſwore, before the Juſtice, that he bought the anchor of Day; I was at Graveſend the day that he ſwears to, on board one of the India Company's ſhips; I was taken out of the Coromandel hoy laſt week, at Blackwall.

Buſher. I have known the priſoner eight or ten years plying at the ſtairs as a waterman; that is all I know of him.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Baron THOMPSON.

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135. WILLIAM CHANDLER and JOSEPH M'GRIMES were indicted for feloniouſly ſtealing, on the 18th of December, a ſilk handkerchief, value 3s. the property of Thomas Macartney.

THOMAS MACARTNEY *ſworn.*—On the 18th of December, about twelve o'clock at noon, I ſaw the priſoner, M'Grimes, walking behind me, near Featherſtone-buildings, in Holborn, he was not above a yard from me; I looked at him once or twice; and in a very ſhort time, I felt my coat go from me, as if ſomething was gone out of my pocket; I immediately put my hand to my pocket, and found my handkerchief was gone; it was a ſilk handkerchief, ſuch as I wear round my neck; I immediately turned round, and laid hold of him; I told him, I believed he had taken ſomething out of my pocket; he made ſome anſwer, but I cannot recollect

recollect what; a perſon coming by at the time, ſaid, he had picked my pocket; I kept hold of him, and would not let him go; he ſaid ſomething, but I don't know what it was; I took him to Hatton-garden office, but there was nothing found upon him; I ſaw Chandler run away as ſoon as I was told that my pocket was picked; he was purſued, and brought to the office; I ſaw him walking before me till he heard the cry of ſtop thief, and then he ran away; there was nothing found upon either of them; I had ſeen my handkerchief not a quarter of an hour before, in my pocket; I felt it in my pocket while M'Grimes was following me.

ROBERT HANSON *ſworn.* — I am a butcher, ſervant to Mr. Edwards, in Fuller's rents: On Monday, the day before the King went to St. Paul's, I ſaw the two priſoners in Holborn, in the forenoon, about eleven o'clock; M'Grimes was following Mr. Macartney, two or three yards behind him; as I was paſſing him, I ſaw a ſilk handkerchief picked out of his pocket, by M'Grimes, and he gave it to Chandler; Chandler walked on down Holborn, and I told Mr. Macartney, that his pocket was picked; he had hold of the man when I told him; Chandler immediately turned up Featherſtone-buildings, and then ran away towards Bedford-row; after they were taken, I went to the office with them.

WILLIAM BENNETT *ſworn.*—On Monday, the 18th of December, I was walking through Bedford-row, I heard a cry of ſtop thief, I ſaw the priſoner, Chandler, running, and I immediately ran after him, he turned down the firſt turning on the left hand, about the center of Bedford-row, he ſaw that I was cloſe at his heels, and he turned down a coach-yard; he turned round, and ſaid, am I the man you are running after; ſeveral other people came up, and we took him into cuſtody; I went with him to the office; he was ſearched in Theobald's-road, but there was nothing found upon him.

Chandler's defence. I had been down into Field-lane, after ſome old iron; I was going up Red-lion-ſtreet, and heard a cry of ſtop thief, and this man came up, and laid hold of me; the conſtable pulled down my breeches, and opened my coat and waiſt-coat, and ſearched me; I had no handkerchief of that gentleman's about me; I am a ſtranger in London.

M'Grimes's defence. I belong to the Supplementary Militia; I was going up Holborn, upon buſineſs for my ſerjeant, and this gentleman laid hold of me, and ſaid, I had picked his pocket.

Chandler, GUILTY (Aged 24).
M'Grimes, GUILTY (Aged 26).

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury, before Mr. Juſtice LAWRENCE.

136. JOHN ARMSTRONG was indicted for feloniouſly ſtealing, on the 18th of December, a pound of indigo, value 12s. the property of Edward Hanſon, John Pearſon, Thomas Stoyles, William Pearſon, and Daniel Goſſett.

The caſe was opened by Mr. Jackſon.

DANIEL GOSSETT *ſworn.* — *Examined by Mr. Jackſon.* We are bull-porters, wharfingers, and warehouſemen; my partners are Edward Hanſon, John Pearſon, Thomas Stoyles, and William Pearſon. In conſequence of ſome information that I had received, on Monday, the 18th of December, about five o'clock in the evening, I ſearched the privy upon my premiſes, and over the entrance of the door, on the inſide, there were a great many pieces of indigo ſecreted, it was in a dark place, where no light comes; it was concealed upon the looſe timbers.

Q. Were they in a ſituation that perſons might have ſeen them if they had not been looking for them?—*A.* I think not; I marked four of the pieces with my pencil, with the initials of my name, and placed them in the ſame ſituation again; I directed one of my men, who ſaw me mark it, to ſtay there while I went home, and got my great coat, as I thought it was likely to be a night job to watch; I placed myſelf in an adjoining privy, where I could ſee whoever came to the other privy, and they could not ſee me: In about ten minutes or a quarter of an hour, I ſaw the priſoner come out of the privy where the indigo was ſecreted; I let him paſs the privy where I was, and went to feel if the indigo was gone, and I found it was; I followed him immediately, and as he was going paſt Mr. Calvert's brewhouſe, on the wharf, I collared him; he aſked me what was the matter; I told him, I had reaſon to think he was extremely fond of indigo; and as he went along, I obſerved he had his hands in his pockets; and I told him, if he did not take his hands from his pockets, I would certainly break his arm, I had a ſhort ſtick in my hand; I took him to our accompting-houſe, and ſearched him; I took out of his pocket, two pounds four ounces of indigo, amongſt them were two of the pieces that I had marked, *(produces them)*; I went to ſearch his lodgings, and then he ſaid, it was the firſt time.

Q. Did you make him any promiſe of favour, or uſe any threat?—*A.* Not at all; he ſaid, he had taken it out of No. 20, that is one of the warehouſes that was full of indigo; he ſaid, he had about a pound at home, that he took it when he went home to dinner.

Croſs-examined by Mr. Knowlys. Q. Are there any other perſons among the bull-porters, than thoſe you have juſt mentioned?—*A.* There are not.

Q. This

Q. This privy is upon the open wharf?—*A.* It is close to the water-side.

Q. Therefore every person on the wharf has access to it?—*A.* Yes.

Q. The prisoner is a very tall man?—*A.* Yes.

Q. Therefore he might have seen this indigo there?—*A.* It is a dark place, generally used for paper.

Q. Therefore in feeling for paper, he might have felt the indigo?—*A.* He might certainly.

Mr. Jackson. Q. Was he a labourer in your warehouse?—*A.* Yes.

——— Fox *sworn.*—I am clerk to these gentlemen: I took a candle and lanthorn after the prisoner was brought into the accompting-house, and in the yard, between the privy and the accompting-house, I found several pieces of indigo, among them were two pieces marked D G. *(Produces them).*

Benjamin Wood *sworn.*—I am foreman to Mr. Gosset: I was present when the prisoner was searched; I said, Armstrong, I doubt this is not the first time; he said, it was; says I, have you got none at home; he said, yes, he had a pound; I asked him, how he came by that that was found upon him; I said, this indigo came out of No. 20, did it not; he said, yes, I took it out of No. 20, this morning.

Prisoner's defence. I found the indigo there, and took it away.

The prisoner called two witnesses, who gave him a good character.

Guilty.

Transported for seven years.

Tried by the London Jury, before Mr. Justice Heath.

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137. JOHN-HADLEY WALLIS was indicted for feloniously stealing, on the 11th of January, two pieces of cotton cloth, called chintz, containing six yards, value 6s. the property of the United Company of Merchants of England, trading to the East-Indies.

The case was opened by Mr. Knapp.

John Sharp *sworn.—Examined by Mr. Knapp.* I am an assistant elder in the India Company's warehouses, in New-street, Bishopsgate-street; the prisoner was a labourer in the warehouse: On the 11th of January, I searched the prisoner, and found upon him, two pieces of chintz, one piece in the seat of his breeches, and the other piece buttoned up in the inside of his breeches in the front, between his shirt and his skin; I had suspected him some time before, and therefore I was particular in my examination of him; these are the pieces, *(producing them)*; they are the property of the East-India Company; there were upwards of fifty men present at the time; he was taken before the Lord-Mayor, and committed. We always rub them down when they go out of the warehouse, but these were concealed in such a manner, that if I had not suspected him, he might have escaped.

The prisoner did not say any thing in his defence.

Guilty (Aged 41).

Transported for seven years.

Tried by the London Jury, before Mr. Baron Thompson.

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138. WILLIAM RADON was indicted for feloniously stealing, on the 7th of December, a silver table-spoon, value 8s. and three silver tea-spoons, value 4s. the property of Thomas Nott.

Charlotte Nott *sworn.*—I am the daughter of Thomas Nott, I am fourteen years of age: On Monday, the 11th of December, the prisoner knocked at the door of my father's dwelling-house, No. 4, Fountain-court, Minories, and asked if we had a lodging to lett; I said, yes, and shewed him the room up two pair of stairs backwards; he said, it would do for him very well; my mother was not at home, and he asked me to let him stop a bit till she did come home; I said, yes; and he followed me down into the kitchen; in a very short time, my mother knocked at the door; he took particular notice of the things in the kitchen, and that gave me rather a suspicion; I thought if he had an opportunity, he would steal something; I opened the door, and told my mother, a young man waited to see her; and I went down stairs with intent to light him up, and I met him half way on the stairs; I did not stop to light him, but went past him into the kitchen, to see if I missed any thing, I looked on the tea-board, and immediately missed three silver tea-spoons; I came up, and he was then in the passage, asking my mother, how much she asked a week for the room; I told my mother, the man had got the spoons, and he immediately ran out as fast as he could, through the court; there was a young man coming through the court, who stopped him, and directly as he stopped him, he dropped two spoons, a table-spoon and one tea-spoon, in the court, and I picked them up; when I went down stairs again, to look, I said, there is another tea-spoon wanting, and we found it under the chair where he was sitting; when we found that, I missed another, and he dropped that under the chair; I said, he drops them as fast

as I ſay they are wanting; there was a conſtable ſent for, and he was ſecured.

MARY NOTT *ſworn*.—My huſband works at a tobacconiſts; the moment I knocked at the door, the child told me, there was a young man waiting for a lodging, ſhe went down ſtairs, and he came up, and as he was aſking me about the lodging, ſhe came up, and ſaid he had got the ſpoons, he immediately ran through the court, and I ran after him as faſt as I could, calling out, ſtop thief; a young man was coming up the court, and ſtopped him, I ſaw him drop the ſpoons, he was brought back, and there were two more found under the chair, where he was ſitting, I ſent for a conſtable, and he was apprehended.

THOMAS FORD *ſworn*.—I am a ſervant, I heard a cry of ſtop thief, I was coming into the court, and ſaw the priſoner running, I immediately laid hold of him, and he dropped a table-ſpoon, and a tea-ſpoon, I took him back to the houſe, with the aſſiſtance of another man; I ſaw two other ſpoons picked up from under the chair that he was ſitting in, but I did not ſee him drop them, Mrs. Nott claimed them.

Mrs. Nott. Theſe are my ſpoons, they are marked W. M. N. the table-ſpoon has no particular mark upon it, it is exactly ſuch a one as I had, I ſaw the priſoner drop it.

Priſoner's defence. I was juſt come to London, from Romford, and I wanted a lodging, the girl came up, and aſked me, if I would ſee the room, ſhe ſhewed it to me; when her mother came home, I talked to her about the room, I told her, it was too much money, and I was coming away in a hurry, becauſe I had got a lodging to ſeek, and I was met by that young man, he ſtopped me, and ſaid, there was a cry of ſtop thief, I know nothing at all about the ſpoons.

GUILTY (Aged 26.)

Tranſported for ſeven years.

Tried by the London Jury, before Mr. RECORDER.

Second London Jury.

John Howe,	John State,
Henry Miller,	Roger Lee,
John Swinn,	William Fox,
James Bolton,	Richard Innwood,
John Owen Smith,	John Covington,
William Miller,	Cornelius Hedgeman.

139. WILLIAM GROVES was indicted for feloniouſly ſtealing, on the 17th of December, fifteen dead fowls, value 11. 7s. the property of Elizabeth, the wife of John Strickland.

Second Count. Laying them to be the property of John Strickland.

—— PLACE *ſworn*.—I have been with Mr. Strickland fifteen years, he is a ſaleſman in Newgate-market; I packed up fifteen fowls on Saturday evening, the 16th of December, about nine o'clock, and left them in the ſhop, locked up with two locks, and on Sunday night, about nine o'clock, I was informed that the ſhop was broke open, I went up, and ſaw the ſhop open, and found the two locks broke; on the Monday morning, the patroles came and ſaid, they had got ſome fowls, I ſaw them before the Alderman, at Guildhall, that day, they were out of their feathers, they were packed up with ſtraw in a baſket, fourteen young ones, and one old one, they were tied with ſmall packthread, the old fowl had the ſpurs taken off, and the blood left upon the leg, I had packed that up twice before; I pack up every night whatever is left, in a baſket, with ſtraw between them; I took particular notice of this old fowl, and another of them that was ſmothered, there had been too many of them put up in one coop, and it was killed by the reſt, and looked black, we did not loſe any thing elſe, there were ſome eggs ſtrewed about.

Croſs-examined by Mr. Raine. Q. Does your maſter uſually ſell fowls that die a natural death, to be eaten?—*A*. Yes; whatever comes to market, we always ſell it at ſome price or other, be what it will.

Q. When you ſaw them on Saturday, they were in a baſket?—*A*. Yes.

Q. When you ſaw them on Monday, they were in a bag?—*A*. Yes.

Q. With reſpect to this fowl with the ſpur off, would not any other fowl that had the ſpur taken out, look juſt the ſame?—*A*. No.

Q. Don't you know it is a common thing, in order to make a hard, tough old cock, look like a fine young fowl?—*A*. Yes.

Q. And becauſe this ſpur was bloody, you will ſwear to it?—*A*. I ſwear to all the fifteen, that was the quantity that was loſt, and the quantity that was found.

Q. But, ſuppoſe other fifteen fowls had been found, would you have ſworn to them?—*A*. No.

Q. Do you think no other man ſmothers fowls beſides your maſter?—*A*. He does not ſmother them, it is the country people that ſmother them, and ſend them up.

Q. How comes it that there are two Counts in the indictment, one laying them to be the property of Mr. and the other of Mrs. Strickland?—*A*. They are ſeparate traders, he is a ſaleſman in butter, with a partner, and ſhe carries on the ſole trade of the poultry for herſelf.

ROBERT

ROBERT BLOOMLEY *ſworn.*—I am a patrole; about nine o'clock, on Sunday evening, I and my partner were together, we met the priſoner with ſomething in a ſack, coming out of Cow-lane, on to Snow-hill, he had it over his ſhoulder; I ſtopped him upon Snow-hill, and aſked him what he had got there, he ſaid, he could not tell, I told him, if he did not know, it was proper that I ſhould; we took him to the next public-houſe and examined what it was, and we found fifteen dead fowls in the ſack, out of their feathers; we ſent to the ward-beadle, Mr. Aſhmore, on Snow-hill, we left the fowls at his houſe, he is not here, we put no mark upon them, nor upon the ſack, they were at his houſe from Sunday evening till the Monday, when I received them from Mr. Aſhmore again, they appeared to be every way the ſame at Guildhall, they were delivered up to Mr. Place.

Croſs-examined by Mr. Raine. *Q.* You cannot pretend to ſwear that this is the ſame bag that you left at Mr. Aſhmore's?—*A.* I can teſtify that they were the ſame fowls, becauſe we unpacked them,

Q. Did you examine the fowls particularly, ſo as to notice them?—*A.* Eleven of them were tied with a ſmall ſtring, one particular fowl was remarkably black.

Q. Was there any thing particular about the bag?—*A.* No; it was a common old ſack.

Q. You ſay he was going from Cow-lane towards Snow-hill?—*A.* Yes.

Q. That was not the way from Newgate-market but towards it?—*A.* Rather towards Fleet-market.

Q. It is not the road from Newgate-market, is it?—*A.* It is not the direct way.

Q. Did he not tell you he was employed to carry the bag?—*A.* He ſaid a man gave him ſixpence to carry it to Saffron-hill.

Q. Do you know a perſon of the name of Taylor?—*A.* He deſcribed ſuch a man to us, as having employed him.

JOHN DENNIS *ſworn.*—I am the partner of the laſt witneſs, I know no more of it than he does; there was a black fowl among them, and one with both ſpurs off, a little bloody.

The priſoner left his defence to his Counſel, and called ſix witneſſes, who gave him a good character.

NOT GUILTY.

Tried by the ſecond London Jury, before Mr. RECORDER.

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140. MARGARET THOMPSON was indicted for feloniouſly ſtealing, on the 1ſt of January, a pewter pint pot, value 6d. the property of Mary Clarke.

MARY CLARKE *ſworn.*—I keep the Golden-key public-houſe, Fleet-market: On New-year's-day in the evening, between ten and eleven o'clock, I ſaw the priſoner in my houſe for about a quarter of an hour, ſhe had a pennyworth of beer.

GEORGE HANNA *ſworn.*—I deſtroy bugs out of bedſteads: I was at Mrs. Clarke's, in Fleet-market, the priſoner came in and had a pennyworth of beer, and the pint pot that I had been drinking out of was ſtanding upon the table, I ſaw her take it and put it in her apron, I was ſtanding in the tap-room about a couple of yards from the end of the table, the tap room was in a confuſion with a great number of people being there at the time; I miſſed it, and went after her, I overtook her at the door, brought her back, and took the pot from her, I gave it to Mrs. Clarke; a conſtable was ſent for, and ſhe gave it to him.

(Thomas Minett, the conſtable, produced the pot, which was depoſed to by Mrs. Clarke).

Priſoner's defence. When I came out of the houſe the pot was in my baſket, I don't know how it came there.

GUILTY. (Aged 43.)

Confined twelve months in the Houſe of Correction, and fined 1s.

Tried by the ſecond London Jury, before Mr. Juſtice LAWRENCE.

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141. THOMAS HOBBS was indicted for feloniouſly ſtealing, on the 10th of January, eleven feet of mahogany board, value 10s. the property of Joſeph Cook.

JOSEPH COOK *ſworn.*—I am a cabinet-maker, in Bartlett's-buildings; the priſoner worked for me about ten years ago, as a ſawyer; I know nothing of the loſs.

JOHN HATTON *ſworn.*—I am a brazier, I work in the ſame court that Mr. Cook's ſhop is in: Laſt Wedneſday evening I ſaw the priſoner come down the court with a mahogany board on his ſhoulder, I followed him into Holborn, and ſtopped him; I aſked him where he had that from, he would give me no anſwer; I told him to take it back, and he deſired me to take it back, I inſiſted upon his taking it back, and he attempted to run away, I collared him, and aſked a perſon going by to hold him while I called Mr. Cook.

(The board was produced, and depoſed to by Mr. Cook).

The priſoner called Mary Elliot, who had known him about three weeks, and gave him a good character.

GUILTY (Aged 46.)

Tranſported for ſeven years.

Tried by the ſecond London Jury, before Mr. Juſtice HEATH.

MISDEMEANORS.

MISDEMEANORS.

142. MARY WELCHFORD was indicted for obtainining three guineas under falſe pretences.

ANN BIGGS *ſworn*.—I am ſiſter to John Biggs, who keeps the Blue-laſt, Blackfriars: On Wedneſday the 3d of January, between eleven and twelve o'clock, the priſoner came in with Mr. Hawkes's compliments, and would be much obliged to Mr. Biggs for a five pound note for a few minutes; my brother was backwards, and I went backwards to him, but he had got ne'er a one; I told her ſo, and ſhe came back, and ſaid a three pound note would do; my brother put his hand in his pocket, pulled out three guineas, and gave them to me, and I gave them to the priſoner. Mr. Hawkes is a cuſtomer of my brother's, I knew her very well as a ſervant of Mr. Hawkes.

JOHN BIGGS *ſworn*.—I delivered the three guineas into my ſiſter's hands, and I ſaw the back of the priſoner, that is all I know of it; I lent her the money on the faith of the meſſage that ſhe brought.

GEORGE HAWKES *ſworn*.—I am a baker.

Q. Are you a cuſtomer of Mr. Biggs?—*A.* Yes; the priſoner lived ſervant with me eight or ten days.

Q. Did you give her orders to go to Mr. Biggs, for a note of five pounds?—*A.* No.

Q. Did you ſay a three pound note would do?—*A.* No.

Q. Did you receive three guineas from her as from Mr. Biggs?—*A.* Never.

WILLIAM MESSENGER *ſworn*.—I am a conſtable belonging to Queen-ſquare: I apprehended the priſoner on Wedneſday the third of this month, I was in ſearch of her from three o'clock till between eleven and twelve at night; I found her in a public-houſe in Pye-ſtreet, Weſtminſter, drinking with ſome more women; I told her I had taken her in cuſtody for getting three guineas in Mr. Hawkes's name; ſhe ſaid ſhe had, and ſhe had bought a gown and a ſhawl, and had got thirty-five ſhillings left; ſhe ſaid, for fear it ſhould be loſt ſhe had left the money and goods at the public-houſe; the next morning I went to the public-houſe, and found a gown and ſhawl, a cap, and thirty-ſix ſhillings in this red-morocco purſe. *(Produces them)*.

The priſoner did not ſay any thing in her defence.

GUILTY.

Privately whipped, and diſcharged.

Tried by the London Jury, before Mr. RECORDER.

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143. JOSEPH LEMAIRE was indicted for a fraud.

NOT GUILTY.

Tried by the ſecond London Jury, before Mr. Baron THOMPSON.

The SESSIONS *being ended, the* COURT *proceeded to* GIVE JUDGMENT *as follows:*

Received ſentence of Death—12.

John Wheeler, David Mann, George Brown, alias Evans,
Thomas Hall, Margaret Murray, James Wright,
John Norton, John Foot, William Wright,
Stephen Reynolds, Uriah Moſes, John Seymour.

Tranſported for fourteen years—2.

Ann Benjamin, William Hibbert.

Tranſported for ſeven years—25.

Charles Williams, Mary Powell, William Phillips,
Iſaac Colnett, Ann Moreton, John Prieſt,
James Akerman, James Waring, Henry Humphreys,
Robert Miles, Henry Foreman, Daniel Judd,
John Armſtrong, William Jones, Samuel French,
John Hadley Wallis, William Newton, Jeremiah Lawes,
William Radon, Sarah Brown, alias Wilſon, William Chandler,
Thomas Hobbs, John Brown, Joſeph M'Grimes.
Benjamin Golding,

Confined two years in the Houſe of Correction, and fined 1s.—2.

Mary Foſter, John Grady.

Confined twelve months in the Houſe of Correction, publicly whipped—3.

George Clayton, James Bavely, William Buſhnell.

Confined twelve months in the Houſe of Correction, and fined 1s.—8.

Margaret Thompſon, Maria Hipkin, Jacob Lyons,
William Cain, Thomas Preſſell, William Holmes.
Andrew Arnold, James Smith,

Confined nine months in the Houſe of Correction, and fined 1s.—1.

Samuel Samuels.

Confined ſix months in the Houſe of Correction, and publicly whipped—2.

Jonas Hart, James Day.

Confined ſix months in Houſe of Correction and fined 1s.—5.

Elizabeth Cuſſick, Matthew Paul, Sarah Vincent.
Thomas Partridge, William Page,

Confined three months in Newgate, and fined 1s.—1.

Clementina Cuthbett.

Publicly whipped, and diſcharged—1.

James Wells.

Privately whipped and diſcharged—2.

Mary Welchford, Michael Mackdew.

The Seſſions were adjourned till Wedneſday, February 14, 1798.

INDEX.

The Figures refer to the Page.

Annetts Thomas — 90
Arnold Andrew — 101
Akerman James — 114
Armſtrong John — 164

Benjamin Ann — 87
Brown George — 94
Bavely James — 104
Brown Sarah — 112
Buſhnell William — 116
Brenton Eſther — 149

Cox Elizabeth — 84
Cain William — 103
Colnett Iſaac — 113
Cuſſick Elizabeth — 118
Cunniforth John — 151
Clayton George — 152
Cuthbert Clementina — 153
Chandler William — 163

Day James — 119
Davis John — 138

Evans George — 94

Foot John — 82
Fogg Robert — 92
Foſter Mary — 117
Foreman Henry — 155
French Samuel — 162

Golding Benjamin — 105
Grady John — 162
Groves William — 166

Hilliard Elizabeth — 84—151
Hart Jonas — 102
Holmes William — 108
Hall Thomas — 119—125—161
Hibbert William — 119
Hipkin Maria — 135
——— Ann — 135
Humphreys Henry — 144—146
Hawkes Joſeph — 161
Hobbs Thomas — 167

Ives Stephen — 92
Jones William — 119
Judd Daniel — 162
Lever Mary — 112
Leigh William — 149
Lyons Jacob — 159
Lawes Jeremiah — 162

Lemaire Joſeph — 168

Murray Margaret — 81
Mackneal James — 84
Moſes Uriah — 87
Mann David — 89
Melliſon Sarah — 112
Moreton Ann — 115
Morris John — 136
Miles Robert — 153
Mackdew Michael — 161
M'Grimes Joſeph — 163
Norton John — 97
Nowland Eleanor — 108
Newton William — 111

Powell Mary — 106
Page William — 124
Partridge Thomas — 136
Prieſt John — 136
Preſſell Thomas — 137
Paul Matthew — 138
Phillips William — 144, 146
Payne Daniel — 151

Reynolds Stephen — 79
Reeves Robert — 128
Round Edward — 151
Richards Robert — 151
Radon William — 165

Samuels Samuel — 109
Seymour John — 110
Smith James — 123
Scott Ann — 135
Skilſby William — 148, 161

Taylor Thomas — 151
Thacker William — 151
Thompſon Margaret — 167

Vincent Sarah — 149

Williams Charles — 81
Wright James — 110
Wright William — 110
Waring James — 116
Wheeler John — 125
Wells James — 158
Williamſon John — 163
Wallis John-Hadley — 165
Welchford Mary — 168

Yarnberry Gunner — 124

End of the Second Seſſion.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery

FOR THE

CITY OF LONDON,

AND ALSO,

The Gaol Delivery

FOR THE

COUNTY OF MIDDLESEX,

HELD AT

JUSTICE-HALL, IN THE OLD-BAILEY,

On WEDNESDAY the 14th of FEBRUARY, 1798, and the following Days,

BEING THE THIRD SESSION IN THE MAYORALTY OF

The Right Honourable JOHN WILLIAM ANDERSON, Esq.

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

WILLIAM RAMSEY,

AND

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1798.

THE WHOLE
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KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery

FOR THE

CITY OF LONDON, &c.

BEFORE JOHN WILLIAM ANDERSON, Eſq. LORD MAYOR of the CITY of LONDON; Sir WILLIAM HENRY ASHHURST, Knight, one of the Juſtices of His Majeſty's Court of King's-Bench; Sir ALEXANDER THOMPSON, Knight, one of the Barons of His Majeſty's Court of Exchequer; Sir GILES ROOKE, Knight, one of the Juſtices of His Majeſty's Court of Common Pleas; Sir JOHN WILLIAM ROSE, Knight, Serjeant at Law, Recorder of the ſaid City; JOHN SILVESTER, Eſq. Common-Serjeant at Law of the ſaid City; and others, His Majeſty's Juſtices of Oyer and Terminer of the CITY of LONDON, and Juſtices of Gaol Delivery of NEWGATE, holden for the ſaid City and County of MIDDLESEX.

London Jury.	*Firſt Middleſex Jury.*	*Second Middleſex Jury.*
Joſeph Fawcett,	Richard Hughes,	Joſeph Weedon,
Thomas Plummer,	William Joachim,	James Marriott,
James Cooper,	John Brown,	Henry Steed,
Luke Watts,	William Jacobs,	Nicholas Tipper,
Caleb Moore,	Richard Cloves,	John Baron,
Thomas Preſby,	Robert Cheeſely,	John Bowſkill,
Nathaniel Stock,	William Macneal,	Joſhua Brown,
Warner Cheeſeborough,	John Brown,	Joſeph Chriſtian,
James Swan,	Joſeph Martin,	Robert Beck,
Stephen Kempton,	Thomas Robinſon,	Charles Hayley,
Thomas Smith,	Thomas Hampſon,	James Bailey,
Robert Butters.	Stephen Hoole.	Thomas Baldwin.

144. ELIZABETH LANG, WILLIAM GRAVES, JAMES, otherwiſe THOMAS FIELD, MARY JOHNSON, and ANN PARSONS, were indicted, the firſt three for breaking and entering the dwelling-houſe of William Cooke, about the hour of three in the night of the 22d of January, with intent the goods therein to ſteal, and ſtealing nine dozen pair of ſilk ſtockings, value 60l. two dozen pair of ſtockings, with ſilk legs and cotton feet, value 8l. and three dozen pair of ſtockings, made of ſilk and cotton, value 9l. the property of the ſaid William Cooke, and the other two for feloniouſly receiving, harbouring, and maintaining the ſaid William Graves, and James Field, knowing them to have committed the ſaid burglary.

(The caſe was opened by Mr. Knowlys.)

WILLIAM COOKE *ſworn.—Examined by Mr. Knowlys.* I am a hoſier, No. 434, in the Strand, near Round-court; my ſhop was broke open on Tueſday morning the 23d of January; I was alarmed between one and two o'clock in the morning, before day-break, it was very dark indeed, when I found my ſhop window was broke; I came down directly, I miſſed nine dozen of ſilk ſtockings, two dozen of cotton and ſilk, and three dozen of ſilk and cotton, to the value of between 70 and 80l. on examination I found, as I ſuppoſed, that, by a centre-bit, they had cut away the pannel of one of the ſhutters, which was lined with iron very ſtrong; it appeared to me as if they had forced the iron in, indeed the place was ſo large, that if it had not been for the ſhew-board, a perſon might have walked into the ſhop almoſt.

Q. Was this hole large enough for a man to creep in by?—*A.* Yes; the lower part of the iron was forced in ſo, that it formed an elbow.

Court. Q. Were the things you miſſed lying in the window?—*A.* They were part of them in the bottom of the window, and the reſt upon what we call the ſhew-gate, which is above the ſhew-board; I ſent for a carpenter, and in conſequence of what he ſaid, I gave information at Bow-ſtreet, his name is Roſe.

ROBERT ROSE *ſworn. — Examined by Mr. Knowlys.* I am a carpenter; I have known Graves ſome years, he lived with Mrs. Lang, No. 1, Newtoner's-court, Chandos-ſtreet, St. Martin's, about 100 yards from Mr. Cooke's.

Q. Do you know what part of the houſe it was that Graves lived in with Lang?—*A.* The ground-floor; I was ſent for, on Tueſday, to mend Mr. Cooke's ſhutter, and I found it had been cut with a centre-bit; I communicated ſome ſuſpicions that I had, and a ſearch warrant was obtained, I repaired the ſaſh, and then they fetched me from my own houſe; I went with Taylor, the officer of Bow-ſtreet, and Mr. Cooke, and the Beadle of the pariſh to Graves's lodgings; the ſtreet door was open, it was about half paſt ſeven on Tueſday morning; on going into the parlour, I believe the beadle of the pariſh was before me, Mr. Taylor followed me into the parlour, on the ground-floor, where Mrs. Lang and Graves had lived; the door was faſt, and Mrs. Lang got out of bed, and let the officer in; the officer immediately proceeded to ſearch the drawers, where Mr. Taylor found two chiſſels, and a centre-bit, and an iron brace, a tool that ſmiths generally make uſe of, they were found in a drawer, I believe it was open, I am not certain; after the officer had found theſe things, there was ſome doubt, whether there was not another centre-bit, which anſwered the deſcription of the ſhutters, I immediately ſearched the drawers myſelf; after the officer had ſearched them, I took the drawers entirely out, and found another centre-bit, and I found upon the floor, under the bed, where Mrs. Lang lay, two pair of black ſilk ſtockings; I took that centre-bit to my own houſe, becauſe I knew the other had not been made uſe of, I tried it with the ſhutter, I knew, when I found it, it was as near the ſize as could be, and, on fitting it together when I got home, the centre-bit had run againſt a nail in the ſtile of the ſhutter, and ſtopped its progreſs; I fitted the centre-bit to the ſhutter, and found it anſwered the ſize.

Q. Have you any doubt that that is the centre-bit, which had been uſed upon the ſhutter?—*A.* I am clearly of opinion that it is.

Q. Is a centre-bit an inſtrument in common uſe amongſt carpenters?—*A.* It is.

Q. Did you ſee Graves after he was in cuſtody?—*A.* Yes.

Q. Did you hear him ſay any thing?—*A.* I did not chuſe to have any converſation with him upon the ſubject.

Jury. Q. Did you find the ſtock that the centre-bit is worked by?—*A.* The officer has got it.

Croſs-examined by Mr. Knapp. Q. You have known the priſoner Graves for ſome years?—*A.* I have.

Q. You have known Lang for ſome time?—*A.* I have known her from ſeeing her in the neighbourhood, no otherwiſe.

Q. You

Q. You know, that previous to that time, they cohabited together?—*A.* I have ſeen them frequently together at this houſe.

Q. They lived together as man and wife?—*A.* I ſhould imagine ſo.

Croſs-examined by Mr. Gurney. Q. Was this centre-bit of a very uncommon ſize and ſhape?—*A.* Not at all.

Q. Then any other centre-bit, having its edge turned, would have made the ſame impreſſion upon that ſhutter?—*A.* Yes.

Q. There is nothing at all particular in the effect of that centre-bit upon the ſhutter, but that the edge is turned?—*A.* Yes; there is a nail that the edge is turned againſt.

Q. I take it for granted the centre-bit is not of all other tools the moſt free from accident?—*A.* Yes, we take great care of our centre-bits.

Q. Suppoſe it had dropped down, would not that turn the edge?—*A.* No, not of ſteel, as this is.

Q. Suppoſe, by any accident in turning, you meet with a nail, it would turn the edge?—*A.* Yes.

Q. Do you come here without any hope of intereſt?—*A.* I do.

Q. Did you never hear of ſuch a thing as a reward in a burglary?—*A.* No; I did not apprehend them, I ſent others to apprehend them.

Q. But you give evidence, you know, and aſſiſt in convicting; if they ſhould be convicted ſhould you not think it a very good thing to have a ſhare of three forties?—*A.* I do not expect any ſuch thing.

Court. Q. What is your reaſon for knowing where Graves lived?—*A.* I had ſeen him there, I knew him very well two years ago.

JOSEPH TAYLOR *ſworn.*—I am an officer of Bow-ſtreet; I went with the laſt witneſs to the houſe of Mrs. Lang, and the priſoner Graves; I found in the room, near the foot of the bed, upon the floor, theſe two pair of black ſilk ſtockings, they were not under the bed, but very near the bed's foot; in a drawer, in the ſame room, I found theſe tools. *(Produces a centre-bit, a ſtock, two chiſſils, and a gimblet.)*

Roſe. This iron brace is what the ſmiths uſe, it is the ſame as a carpenter's ſtock, only theirs is made of wood, and this is made of iron, it is very different from what we uſe; there was a nail that I had at Bow-ſtreet, that was in the ſhutter that the bit had run againſt, but being over careful, I have loſt it; the iron plate upon the ſhutters was put on with ſmall tin tacks, very imprudently, and the centre bit had forced the iron forwards, and turned it like a piece of brown paper.

Taylor. Croſs-examined by Mr. Knapp. Q. Do you know this to be Graves's lodgings?—*A.* No.

Q. Do you know that Lang and he lived together?—*A.* No.

ANN ALLEN *ſworn.—Examined by Mr. Knowlys.* I am ſiſter-in-law to Mr. Cooke, I always ſerve in the ſhop in the evening: Before the robbery, about ſix o'clock, when the lamps were lit, I obſerved the priſoner, Graves, at the ſhop-window, he went away on ſeeing me; I put the lamps into the window and went away; in a little while after, I ſaw him again at the ſame window, on the right hand ſide, on ſeeing me he caſt his eyes down to the ſtreet, he turned his back towards me, and went out to the edge of the pavement; I went to the ſhop-door and ſaw him retire to the end of Round-court, we are two doors from Round-court, there were more people with him; a little while after he was at the ſame window again; on ſeeing ſo ill-looking a man ſo often at the window I removed the ſilk ſtockings that laid looſe upon the ſhow-board from the window, thinking he meant to cut the glaſs; he was backwards and forwards the whole evening, I dare ſay I ſaw him eighty times in the courſe of the night till we ſhut up ſhop, which is generally about nine o'clock; he once came to the ſhop-door, and looked all round the ſhop, I watched him all the evening; I ſaw Field once in the courſe of the evening, he went by, laughing very loud, which occaſioned me to notice him; he did not ſtop, his head was tied up as it is now, he was not with Graves at that time; Graves always retired to the court whenever I miſſed him, I made it my buſineſs to look; I know no more, except that the property is Mr. Cooke's.

Q. Look at theſe two pair of ſtockings, and tell me if they are your brother's property or not?—*A.* They are entire ſilk; and this pair of ſtockings, with the white feet, has my own mark upon it; the other has not the ticket upon it, but it is a particular rib, and is the only pair we had of this pattern, they were folded up with the white feet hanging out underneath; it was folded up, by myſelf, in a bundle for ſhow, and that pair was the top-moſt; they were all ſafe at twelve o'clock at night when I went to bed; I always go round the ſhop the laſt thing before I go to bed, to ſee that every thing is ſafe.

Mr. Cooke. Theſe are my ſtockings, this pair with white feet; we had but two pair of that quality in the houſe, and the ribbed ones were with them; the ribbed pair are what we call a very blue white ſtocking, they being unfaſhionable I dyed them.

Mr. Gurney. Q. It is not an uncommon thing to dye ſtockings black?—*A.* Upon my oath I believe them to be mine, they are a very remarkable pair.

Court. (To Mrs. Allen.) Q. What kind of light was it when you firſt ſaw Graves?—*A.* It was quite dusk, we were putting in the lamps.

Q. How

Q. How could you diſtinguiſh the countenance of a perſon at that time?—*A.* The lamps were juſt put, it is a large two-light burner, and our windows are exceſſive large.

Q. And they throw ſufficient light into the ſtreet to enable you to diſtinguiſh the features of a man?—*A.* Yes.

Q. And you had an opportunity of ſeeing him twenty times during the courſe of that evening?—*A.* I believe ſo.

Q. Field you ſaw but once that night?—*A.* Only once; he was paſſing laughing very loud, which occaſioned me to ſee him.

Q. Can you undertake, from that tranſient circumſtance, to ſwear that it was Field that you ſay you ſaw paſs laughing?—*A.* Yes, I can; I am very poſitive of it, I ſaw his countenance and his features.

JOHN SMITH *ſworn.—Examined by Mr. Knowlys.* I am a Hackney-coachman: On Tueſday morning, the 23d of January, I was called by a perſon named Mary Johnſon, that is her, *(pointing to the priſoner)*, about twenty minutes after eight in the morning; I was called from Charles-ſtreet, Covent-garden to Wild-ſtreet, the end of Stewart's-rents; the two men priſoners then came from a houſe in Stewart's-rents, and put a box into the coach, it was a black box; I drove them to the hither end of Old-ſtreet, next Alderſgate-ſtreet, they paid me my fare, and walked down Old-ſtreet; Graves put the box upon his ſhoulder.

Q. Are you ſure theſe are the the two men?—*A.* Poſitively.

JOHN MILLER *ſworn.*—I am one of the officers of Bow-ſtreet: I apprehended Graves and Field at the White-ſwan, Little St. Andrew's-ſtreet, Seven-dials, between eleven and twelve in the morning, Tueſday the 23d of January laſt, the ſame morning that the robbery was diſcovered; on Graves I found a five pound note, and two one pound notes, two guineas, and a ſeven ſhilling piece; on Field, a ſilver watch, and two guineas; Graves got up behind the tap-room door in order to conceal himſelf, when I went into the tap-room, while we were looking about to ſee who was in the room; there were two guineas taken from Lang.

Croſs-examined by Mr. Gurney. Q. You apprehended the two priſoners at the public-houſe?—*A.* Yes.

Q. Do you mean to ſay they were in company together?—*A.* Yes; they were drinking out of one pint of porter, one was ſtanding by the fire-ſide, and the other juſt by.

Q. And there were ſeveral other people juſt by them?—*A.* Yes; there might be ſix or eight.

Priſoner Lang's defence. I am an innocent woman; I was out, and never ſaw this man, Graves, after four o'clock in the afternoon of the Monday.

Priſoner Graves's defence. I know nothing at all of the robbery, nor was I in that houſe were the property was found, from four o'clock in the afternoon to this time; I went into the public-houſe where I was apprehended, and this young man was ſitting by the fire-ſide; I called for a pint of porter and began drinking of it, and the officer came in and tied us together; I never ſaw this man before.

Field's defence. I accidentally went into that public-houſe to get a pint of beer, and ſome bread and cheeſe, for my breakfaſt; I was ſitting by the fire-ſide, and this man was juſt by the door, he was never in my company at all, and before I had drank my beer they came in and took me as a priſoner.

PHILIP GOODES *ſworn.*—I am a taylor, in Chandos-ſtreet: I have known Graves fourteen years, he has bore a very good character till within theſe two years; but he has loſt his mother, and ſince that he has got into looſe company, which has brought him into this unhappy ſituation.

SARAH WILLIAMS *ſworn.—Examined by Mr. Knapp.* Q. Do you know the two priſoners, Lang and Graves?—*A.* Yes.

Q. Do you know of their living together as man and wife?—*A.* Apparently as ſuch, always; they lived in Newtoner's-court, Vine-ſtreet.

The priſoner Lang called five other witneſſes, who had known her from five to fifteen years, and gave her a good character.

Lang, NOT GUILTY.
Graves, GUILTY Death. (Aged 25.)
Field, NOT GUILTY.
Johnſon, NOT GUILTY.
Parſons, NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. Baron THOMPSON.

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145. JOSEPH CARTER and WILLIAM PEATTY were indicted for feloniouſly ſtealing, on the 26th of January, a gelding, value 10l. the property of John Ayley.

JOHN AYLEY *ſworn.*—I am a landholder, I live in the pariſh of Stonedon, juſt by Ongar, in Eſſex: I loſt a gelding out of my ſtable, either on Thurſday night the 25th, or Friday morning the 26th of January; a lad who is here was the laſt that ſaw the ſtable before the gelding was ſtolen; I never ſaw the priſoner before, I have ſeen the gelding two or three times ſince, under the care of Mr. Pope, who keeps a Livery-ſtable, I ſaw it in the horſe-ride, there were thirty or forty more horſes with it at the ſame time; he is as remarkable a horſe as ever lived, he was lame of two feet, he had a ſtar in his forehead, he was riſing ſeven years old; Mr. Pope and my ſon were at the taking of him.

Croſs-examined by Mr. Scott. Q. You don't know of

of your own knowledge that the horſe was locked up in the ſtable?—*A.* No.

Q. And you know nothing of the priſoners at the bar?—*A.* No; I never ſaw them till they were before the Lord-Mayor.

CHARLES AYLEY *ſworn.*—I am the ſon of the laſt witneſs: I received information that the gelding was taken away, on Thurſday night, by the Ongar coachman, at the Three Nuns, in Whitechapel: On Friday noon, I went into Smithfield-market, I had not been there a quarter of an hour before I ſaw the priſoner, Carter, upon the horſe; I looked about for an officer, I could not find one; I ſaw Mr. Pope, and aſked him to lend me aſſiſtance; we went and cheapened the horſe, and aſked him, where he brought it from; he ſaid, he brought it from Hampſhire, he ſaid, he had had it four months upon his hands, and two months he had ſent it to the Straw-yard, at Kenſington Gravel-pits; we then aſked him the price; he ſaid, 10l.; he ſaid, he had been uſed for plough and cart; we pointed out the blemiſhes, and then left the man upon the horſe; while we were cheapening the horſe, the other priſoner came up, recommending the horſe, as knowing the horſe, and man likewiſe; we then got two officers, and ſent them to the Crown public-houſe, in the Market; then Mr. Pope fetched the two men into the public-houſe, as if we had thought better of the horſe, and intended to buy it; we then aſked him about the conſtitution and ways of the horſe; Carter gave the ſame account as before; Peatty gave no account, only that it was a good horſe, and he knew the horſe and the man; we aſked Carter ſeveral queſtions, and found he prevaricated very much in his anſwers; I then charged him with taking it from my father's ſtable, and we found him change colour, and not ſay a word againſt it; I gave them in charge to the two officers, and they were taken to the Compter.

Q. Did all this paſs in the hearing of the other man?—*A.* Yes; I ſent the horſe by another conſtable, to Mr. Pope's Livery-ſtables, in Little Moorfields.

Q. Can you deſcribe the horſe?—*A.* Yes; he was a gelding, lame of two feet, and the hoof broke away from the off fore foot; the horſe was brought to market with a leather halter, the ſame as he uſed to wear in the ſtable; I had not ſeen the horſe, I believe, for a month before; I cannot ſwear to the bridle, it has had the winkers cut off.

Croſs-examined by Mr. Scott. *Q.* About what time was it that you met this man in Smithfield?—*A.* About three o'clock.

Q. You cannot ſwear to the halter?—*A.* No.

Q. You will not ſwear that that is a halter from which the winkers had been cut off?—*A.* No.

Q. You did not find Peatty at all in poſſeſſion of the horſe?—*A.* No.

WILLIAM POPE *ſworn.*—I am a ſtable-keeper: On Friday, the 26th of January, I went into the market, and ſaw the horſe, with Carter on the back of it; I aſked him the price of the horſe; he told me, 10l.; he ſaid, he would take eight guineas; I ſaid, that was too much, it was a lame horſe; I aſked him, where he brought him from, and he altered very much; he ſaid, he brought him out of Hampſhire, he had had him four months, and two months at the Straw-yard; Peatty was with him, and he ſpoke in behalf of the horſe; and he ſaid, he had known Carter from a child, that he was his countryman; he heard what Carter had been ſaying; Charles Ayley, after that, came to me and told me, he had every reaſon to believe it was his father's horſe; I told him, the better way, then, would be to get two conſtables, and ſecure them; we got two conſtables, and ſecured them, at the Crown public-houſe; I ſent the horſe to my ſtables; Charles Ayley brought his father the next day, and he ſaw the horſe, he claimed it, and inſtantly ſaid, it was his horſe; I have him now in my ſtables, he was lame of two feet; the bridle was on the horſe when I took him, and has been in my poſſeſſion ever ſince.

Q. Is it a common thing in the country to cut off the winkers?—*A.* No; I never knew them cut off before.

Croſs-examined by Mr. Scott. *Q.* He aſked you 10l. for it?—*A.* Yes.

Q. That is more than any man who had ſtolen it would have aſked?—*A.* It was too much a great deal.

Q. You did not ſee Peatty in the poſſeſſion of the horſe at all?—*A.* Not at all that I recollect.

Q. He only recommended the man as having known him from his infancy?—*A.* Yes; and recommended the horſe.

WILLIAM LETCH *ſworn.*—I am ſervant to Mr. Ayley: I miſſed the horſe on Friday morning, I ſaw him in the ſtable on Thurſday night, he was locked up; there is a chain put up, and that is padlocked; I carried the key in doors; I was not the firſt at the ſtable in the morning; there is a witneſs here who was there before me; the lock had been picked; it was a lame gelding, with a ſtar upon his forehead.

Q. (To Pope). Is the boy's an accurate deſcription of the horſe?—*A.* It is.

Letch. Croſs-examined by Mr. Scott. *Q.* You did not lock the ſtable door yourſelf?—*A.* Yes, I did.

Q. Are you quite ſure of that?—*A.* Yes.

Q. You don't know how the horſe got out of the ſtable?—*A.* No.

SAMUEL CORNE *ſworn.*—I am a labouring man;

man; I work for Mr. Ayley: I came into the yard, on Friday morning, about ſix o'clock, there was a horſe out in the yard, not the horſe that was ſtole, and I took him by the mane, and led him to the ſtable, the ſtable-door was a-jar; there is a chain goes acroſs the door, with a padlock, but I did not look to ſee how it had been opened.

Croſs-examined by Mr. Scott. Q. You know nothing of this padlock and chain?—*A.* No.

Q. You don't know whether it was broke, or picked, or any thing about it?—*A.* No.

Q. And you know nothing at all how this horſe got out of the ſtable?—*A.* No, I do not.

Court. (To Letch.) Q. What time was it that you examined and found the lock was picked?—*A.* A little after ſix o'clock.

Mr. Scott. Q. Where did you ſee the padlocks?—*A.* Lying in the ſtable where the horſes are.

RICHARD TILCOCK *ſworn.*—I am a conſtable; I took charge of the priſoners at the Crown, and took them to the Compter.

THOMAS FAWCETT *ſworn.*—I was with the laſt witneſs; Mr. Pope ſhewed me the horſe, and I conveyed it to Mr. Pope's ſtables.

(Mr. Scott took an objection that as the poſſeſſion of the horſe was not traced to Peatty, he ought not to be put upon his defence, which was over-ruled by the Court).

Carter's defence. I was in town the whole of Thurſday night.

Peatty's defence. I was at home in my own houſe, from three o'clock till a quarter before eight in the morning.

For the priſoner Peatty.

JOHN BATEMAN *ſworn.—Examined by Mr. Scott.* I have lodged with Peatty upwards of five years, in Black-horſe-yard, Rathbone-place: on Thurſday the 25th of January, I went home about eight o'clock at night, and ſtaid till eleven with Peatty in his apartment, and when I left him, he was preparing for bed, I left him with his wife going to bed in his room, and to the beſt of my belief, he ſlept at home that night.

Croſs-examined by the Court. Q. What are you?—*A.* A chaff-cutter; I work at the George and Blue-boar in Holborn, I have worked there upwards of three years.

Q. What is Peatty?—*A.* A chaff-cutter.

Q. Has he kept the houſe all the time that you have lodged with him?—*A.* He has kept the houſe, I believe, near ten years.

Q. How many lodgers are there in the houſe?—*A.* Only myſelf and his ſon.

Q. How do you know it was the 26th of January, rather than the 26th of December?—*A.* Becauſe he was taken up the day after.

Q. You did not ſee him from eleven o'clock till after he was taken up?—*A.* No.

JOHN PEATTY *ſworn.—Examined by Mr. Scott.* The priſoner is my father; laſt Thurſday was three weeks, in the evening of the 25th of January, he was at home when I came home from work at ten o'clock, and I went to bed at eleven; I left him undreſſing himſelf to go to bed, I ſaw him getting out of bed the next morning, about half paſt ſeven o'clock, I ſlept in the room adjoining, he called me up, and I went to him.

ELIZABETH BISHOP *ſworn.—Examined by Mr. Scott.* I know Peatty, I keep the Black-horſe-yard, Rathbone-place; Carter came down the yard about eight o'clock, and aſked if Peatty was there; I told him he was removed from there to No. 10, Little Howland-ſtreet, he aſked me leave to put a horſe in the ſtable, I told him he might, he went in ſearch of Peatty, and they came down the yard together; Peatty told me, he was going to Smithfield with the man to ſell the horſe, that was the day that they were taken up.

Q. What day was it?—*A.* Three weeks ago to-morrow, and the Sunday following, I heard that they were taken up; I have known Peatty 15 years, I never heard any thing againſt him in my life.

Court. How long had Peatty changed his lodging?—*A.* A ſhort time before, it might be at Chriſtmas, I cannot ſay, he rented a place in the yard of 10l. a year, he lived there ten or a dozen years.

HANNAH HILL *ſworn.—Examined by Mr. Scott.* I live in Gower-mews, Gower-ſtreet: On Friday the 26th of January, I was going to the butcher's, and met Carter with a horſe, it was a bay-horſe, he aſked me, if I knew Peatty, I ſaid, yes; he aſked me, if I could tell where to find him, he underſtood he had charge of the yard; I told him, no, he was not in the yard.

Q. He was not in what yard?—*A.* Gower-mews, that was about eleven o'clock in the day; I have known Peatty ſeveral years, I always underſtood him to be an honeſt upright man, he has worked for us, my huſband keeps Hackney-coaches; Peatty uſed to live in the Black-horſe-yard, Rathbone-place, but he has lately moved to No. 10, Little Howland-ſtreet, I did not then know that he was moved.

Mrs. Biſhop called up again.—Mr. Scott. Q. Was any offer made to you of this horſe?—*A.* Yes, it was a bay horſe; I aſked him the price, and he ſaid 10l. the horſe was very lame, he is a dealer in old caſt off horſes.

The priſoner Peatty alſo called Mr. Abraham O'Connor, a ſurgeon, who had known him between ſeven and eight years, and four others who had known him from ten to fifteen years, who alſo gave him a good character.

CHARLES

CHARLES AYLEY *called again* —*Q.* How far is your father's houſe from town?—*A.* About 21 miles.

For Carter.

JAMES RYCROFT *ſworn.—Examined by Mr. Scott.* I live at Mr. Shirley's, No. 20, Knightſbridge; I lodged in the ſame houſe with him ſix months, I ſlept in the ſame room with him the night before he was taken up; I came in about eleven o'clock, and aſked him if he had ſeen Mrs. Shirley, he ſaid, he had not; I told him ſhe wanted to ſpeak to him; I went to ſleep after that, and ſaw no more of him—that was this day three weeks; the next morning Mrs. Shirley aſked me, if I had ſeen him, and I told her he went out as ſoon as it was light, I did not ſee him go.

ROBERT GEEEN *ſworn.—Examined by Mr. Scott.* I am a bricklayer, I live at No. 20, Knightſbridge; I lodge in the ſame room with the priſoner, I ſaw him about ſeven o'clock on the Friday morning, when I got up and went out; I have known him about ſix months.

Court. Q. What buſineſs is he?—*A.* I do not know.

Court. (To Ryecroft. What buſineſs is Carter?—*A.* He deals in horſes.

WILLIAM PEPEAU *ſworn.—Examined by Mr. Scott.* I am a butcher, I live at No. 2, Knightſbridge, but I lodge at Mrs. Shirley's, in the ſame room; I went out at ſeven o'clock on the Friday morning the 26th of January, and left him dreſſing himſelf.

Court. Q. How do you know it was the 26th of January?—*A.* I left the lodgings that day.

Both NOT GUILTY.

Tried by the London Jury, before Mr. RECORDER.

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146. EDMOND LOVELL was indicted for feloniouſly forging and counterfeiting, on the 20th of January, a certain Bank-note, the tenor of which is as follows, that is to ſay,

No. C. 1024. No. C. 1024, 1797, Bank, the 21ſt of November, 1797. I promiſe to pay to Mr. Ab. Newland, or bearer, on demand, the ſum of Two Pounds. London, the 21 of Nov. 1797. For the Governor and Company of the Bank of England, J. Field, 2l. Entered, T. Middleton, with intention to defraud the Governor and Company of the Bank of England.

Second Count. For feloniouſly diſpoſing of, and putting off the ſaid forged Bank note, knowing the ſame to have been forged with the like intention.

Third Count. For feloniouſly forging a like promiſſory note, with intention to defraud the Governor and Company of the Bank of England.

Fourth Count. For uttering, as true, a like forged promiſſory note, with the like intention.

Fifth Count. For altering a Bank-note for the payment of one pound, by removing and taking out the word *One* before the word *Pound*, and falſely ſubſtituting and inſerting the word *Two* inſtead of the ſaid word *One* before the word *Pound*, with intention to defraud the ſaid Governor and Company of the Bank of England.

Sixth Count. For feloniouſly diſpoſing of, and putting away, the ſaid altered Bank-note, knowing it to be altered.

And ſix other Counts, the ſame as the firſt ſix, only laying the intention to be to defraud Mary Lynden.

(The indictment was opened by Mr. Giles, and the caſe by Mr. Fielding.

JAMES LYNDEN *ſworn.—Examined by Mr. Knowlys.* I live at No. 295, Oxford-ſtreet, I am ſixteen years of age, my mother keeps a haberdaſher's-ſhop there: On Saturday the 20th of January, the priſoner came into our ſhop, about duſk, and aſked for patent worſted ſtockings; I told him we had ribbed ſtockings if they would ſuit him; he aſked to ſee them; I ſhewed them to him; he picked out four pair, I folded them up for him; then he aſked for a pocket-handkerchief, he choſe two, and offered me a two pound note.

Q. What was the whole amount of the things he had looked out?—*A.* Thirteen ſhillings; I told him we had not caſh in the houſe, I would go out and get him change; I went to the next door neighbour's, and aſked him if he could change it; he ſaid, if I would give him two ſhillings he would give me two guineas; I gave him two ſhillings, and he was going to indorſe it with my mother's name; he ſaid, if it was a bad one he ſhould look to us for the money, I told him to look ſharp after it; the maid was coming up with a candle, he held it to the light, and ſaid it was cemented, he would not change it; I took the note and went over to the watch-houſe.

Q. Look at that note?—*A.* This is it; I put my name at full length upon it at the watch-houſe.

Q. Did you take any conſtable with you from the watch-houſe?—*A.* I took Henry Bates to my mother's; the priſoner was ſtanding at the door when I went paſt to go to the watch-houſe; I might have been abſent ten minutes, I cannot poſitively ſay, Bates, and another man, ran over to my mother's before me, the priſoner was then in the ſhop mixed with other people, I did not ſee him at firſt, and I ſaid, the man is gone; he ſaid, no, here I am, where is the change; I then went behind the counter, and ſaid, your note is a bad one, Sir; Bates, and the other man, ſaid he muſt go with them, and they took him over to the watch-houſe, and ſearched him, I was there, but I did not ſee the whole of the ſearch; I ſaw him take out a paper, I don't know what it was.

Q. Are

Q. Are you ſure that is the ſame note you received from the priſoner?—*A.* Yes.

Croſs-examined by Mr. Knapp. Q. Is that note in the ſame ſtate in which you received it from him?—*A.* The man began endorſing my mother's name upon it and then ſcratched it out.

Q. You were gone ten minutes?—*A.* I cannot ſay to a minute.

Q. Are you ſure it was your next neighbour's that you went to?—*A.* Yes.

Q. Did you go no where elſe?—*A.* Yes; to the ſhoemaker's.

Q. Did you go there firſt?—*A.* No; afterwards.

Q. It might be a quarter of an hour for what you know that you were abſent?—*A.* It might.

Q. If you had had change yourſelf you would have given it him?—*A.* Yes.

Q. Had you occaſion, in your way to the watch-houſe, to paſs by your own houſe again?—*A.* Yes.

Q. The priſoner at the bar was ſtanding at the door then?—*A.* Yes.

Q. How long a time might elapſe, from the time you ſaw him at the door, till you returned from the watch-houſe?—*A.* It might be about five minutes.

Q. Do you mean that five minutes to compoſe a part of the ten minutes, or a quarter of an hour?—*A.* Yes.

Q. There were ſeveral other perſons in the ſhop when you returned?—*A.* Yes.

Q. I hardly need aſk you if he had been ſo diſpoſed, in the courſe of that quarter of an hour, he might have gone away?—*A.* He might ſo.

Q. Though you ſuſpected he was gone away, he was the perſon that gave you the information that he was not gone away?—*A.* Yes.

Q. How came you to go to the ſhoemaker's after?—*A.* Becauſe the hatter told me to go there.

Court. Q. Did he ſay for what purpoſe you were to go to the ſhoemaker's?—*A.* He ſaid, to ſhew it him, and hear what he ſaid about it.

Q. Not to try to get change for it?—*A.* No.

Mr. Knapp. Q. You had made no mark upon the note before you got to the watch-houſe?—*A.* No.

Q. You don't, now, know the number of the note?—*A.* No.

Mr. Knowlys. Q. Did you ever loſe ſight of the note before you took it to the watch-houſe?—*A.* No, I did not; Bates took it from me at the watch-houſe.

Court. Q. Did he take it out of your ſight before you wrote your name upon it?—*A.* Yes.

Q. How long was it out of your ſight?—*A.* While Bates went over with it to my mother's.

HENRY BATES *ſworn.—Examined by Mr. Giles.* I belong to the Mary-le-bonne watch-houſe: The laſt witneſs came to me on the 20th of January laſt, with a Bank-note, which I kept in my right-hand till I went to his mother's houſe, and ſaw the priſoner.

Q. Did you give the ſame note to James Lynden that you received from him?—*A.* Yes; I delivered it back to him in the watch-houſe, I ſaw him put his name upon it; when I went over I ſaw the priſoner ſtanding at the ſhop-door; young Mr. Lynden went behind the counter, I took the priſoner to the watch-houſe and ſearched him, I found upon him another note for ten pounds, I marked it.

Q. Look at that note?—*A.* This is the ſame, I found it in his left-hand breeches-pocket; I found alſo half-a guinea in gold, and two ſhillings and ſixpence in ſilver; I then took him to the Juſtice's.

Croſs-examined by Mr. Barrow. Q. Are you ſure, that when you returned, you found him at the ſhop-door?—Q. Yes.

Q. When you went to ſearch him, did he make any reſiſtance to the ſearching him?—*A.* No, he did not open his lips; I do not think he ſaid a word.

ISAAC FIELD *ſworn.—Mr. Knapp.* Q. Are you a proprietor of Bank-ſtock?—*A.* I am not; I am a clerk in the Bank, my buſineſs is to ſign Bank-notes under five pounds.

Examined by Mr. Fielding. Q. Upon the inſpection of this note, are you able ſay what it originally was?—*A.* It was a one pound note when I ſigned it; the *One* appears now to have been taken out, and a freſh piece of paper inſerted with the word *Two* upon it, in both parts of the note, both the bottom and the centre.

Croſs-examined by Mr. Praed. Q. From whence do you derive your knowledge of having ſigned this note?—*A.* *(Refers to a book).* I ſigned four hundred ones on that day, they were from 801 to 1200. *(The note read).*

GARNETT TERRY *ſworn.—Examined by Mr. Knowlys.* I am an engraver employed by the Bank of England.

Q. Look at that note, *(ſhewing him the ten pound note)*; is that a genuine Bank-note?—*A.* It was a genuine Bank-note before the alteration.

Q. Where does there appear any alteration to have taken place in it?—*A.* Where the ſum was, it now appears to be a ten.

Q. Are you able to ſay, that that part which denotes the ſum ten, is forged?—*A.* It is.

Court. Q. Can you ſay what that note was before it was made a ten?—*A.* Either a one pound or a two pound note; I have not looked at it very particularly, *(looks at it again)*; I rather think it was a two.

Croſs-examined by Mr. Knapp. Q. I believe there is the letter T remaining in the body of the note?—*A.* Yes, there is; the E and the N are put in.

SAMUEL TOLFREY, Eſq. *ſworn.—Examined by Mr.*

Mr. Fielding. Q. Is that the examination of the priſoner taken before you?—*A.* It is the ſame.

Q. Was he aſked by you how he came by theſe notes?—

Mr. Knapp. I muſt beg firſt to aſk a queſtion or two, before Mr. Tolfrey anſwers my learned Friend's queſtion.—Q. At what time was that examination taken?—*A.* On his firſt being apprehended, a very ſhort examination was taken, and he was committed for further examination; the examination that is now produced, was taken the ſecond time that he came up.

Q. Recollect, as well as you can, the day of the month when this examination was taken, or the day of the week?—*A.* He was apprehended on the Saturday evening.

Q. At the firſt examination, I believe he had his friends attending him, his Counſel and Solicitor?—*A.* No, he had not.

Q. Do you recollect any Solicitor and Counſel attending him?—*A.* I believe there were three examinations, and I think it was the third time, that this examination was taken, and then there was a Solicitor and Counſel.

Q. At the former examination, he had not any friends on his part, to give him any advice at all?—*A.* No.

Q. Do you know if his friends and Counſel had been there that day, and gone away, ſuppoſing that no examination would have taken place?—*A.* His attorney had been there that morning, but I do not know upon what account he went away.

Q. That examination, I believe, took place in a private room?—*A.* Yes; it was deſired by the Solicitor for the Bank that it might be kept private.

Q. At either of theſe examinations, were you induced at all to hold out any favour to the priſoner at the bar?—*A.* No; not at all.

Q. Was there any thing held out to him to induce him to tell the ſtory that he afterwards told in the examination, or which could lead him to do ſo?—*A.* No.

Q. Not previous to that time, nor at that time?—*A.* Neither.

Q. Was not the conduct of the proſecutor, which very often happens in circumſtances in which the Bank are concerned, favourable to him upon either of thoſe examinations?—*A.* I really do not underſtand you.

Q. Was there, from the conduct of the proſecutor and yourſelf, humanely conſidering the caſe, any thing that could lead the priſoner to ſuppoſe that favour would be extended to him?—*A.* I certainly did hope, at firſt, that it would have been ſuch, as would not have led to his commitment; that was the impreſſion upon the mind of the Solicitor for the Bank.

Q. Do you not think, that from the liberality and humanity of the proſecutor and yourſelf, he might have collected that?—*A.* He might at the ſecond examination.

Q. And that in the preſence of his Counſel and Attorney?—*A.* Yes.

Q. And notwithſtanding that, there was another examination in private, at which, neither his Counſel nor Solicitor were preſent?—*A.* That was in conſequence of a ſearch.

Q. In point of fact, the third examination did take place in the abſence of thoſe who had before attended to give him advice?—*A.* Yes.

Q. At which of the examinations was it that you adviſed the priſoner at the bar to ſpeak the truth?—*A.* At both the examinations.

Q. Was that conveyed to him in ſuch ſort of humane and friendly language as to induce him to ſpeak the truth, if he was ſo inclined?—*A.* Yes.

Q. It was with an evident tendency to make him ſpeak the truth?—*A.* Certainly; he was adviſed alſo by his own Counſel, in my preſence, to ſpeak the whole truth.

Q. Do you recollect any converſation that fell from Mr. Winter, Solicitor for the Bank, to induce him to give the account that he did give, in reference to the detection of other forgeries?—*A.* I do not recollect it.

Q. Were other forgeries talked about?—*A.* No; I recollect, upon the ſecond examination, Mr. Winter deſired his Attorney and Counſel to go out and ſpeak to him, and that if any other perſons were concerned with him, they would mention it; they retired with him into another room; when they came back, they ſaid, they had adviſed him to tell the whole truth, but that he had ſtill told the very ſame ſtory that he told when he was firſt apprehended.

Mr. Knapp took an objection that the examination was inadmiſſable, in as much as the account given by him was induced by a hope of mercy held out on the part of the proſecution.

The objection was over ruled by the Court.

Court. Q. By the term humanity, do you mean mercy and forgiveneſs?—*A.* Certainly not.

Mr. Juſtice Rooke. You ſee he does not deſire him to confeſs, but to tell the truth, which is a very different thing from telling a man it will be better for him to confeſs.

Mr. Baron Thompſon. The Magiſtrate cannot extort a confeſſion from a priſoner.

The Counſel for the proſecution declined offering the examination in evidence.

——— WINTER *ſworn.* — *Examined by Mr. Fielding.* Q. You, I believe, went to the houſe where the young man lived?—*A.* Yes; in Groſvenor-ſtreet, Miſs Davey's, I there found, in a drawer uſed by the priſoner, in a place called the butler's

butler's pantry, a book, entitled, the Artiſts' Aſſiſtant in drawing Perſpective, Etching, Engraving, &c.; another book, containing a ſet of German Text Copies upon copper plate, a tea-cup, containing a compoſition, the ingredients of which I do not know; a bottle that appears to have contained gum-water; in a tea-cup, a ſmall hair bruſh, and in a caſe, ſeveral other hair bruſhes, an inſtrument which appears to have been uſed for eraſing; and after the examination at Marlborough-ſtreet office, I found ſome ſmall bits of paper, upon which I make no comment. *(Produces them).*

Croſs-examined by Mr. Knapp. Q. You found theſe things in the butler's pantry?—*A.* Yes.

Q. The priſoner at the bar was not there at the time?—*A.* No.

Q. You do not know, of your own knowledge, that that was the priſoner's drawer?—*A.* Certainly not; it was ſo pointed out to me.

Q. When was the particular time you found this?—*A.* I rather think the day of the laſt examination, the Wedneſday.

Q. When was the priſoner apprehended?—*A.* The preceding Saturday.

Q. So that from the Saturday to the Wedneſday, any body ſo diſpoſed, might have put theſe things into that drawer, or taken them away?—*A.* Yes.

Q. Do not you know, unfortunately at this time, it has more than once happened that Bank-notes have been picked up in the ſtreet, that have afterwards turned out to be forged?—*A.* There is a man now in cuſtody, whoſe defence is of that ſort.

Q. Do not you know, without adverting to any perſon in cuſtody, that Bank-notes have been picked up in the ſtreet, which have turned out to be forged.

Court. Q. What is that to us, it is only Mr. Winter's opinion at any rate.

Mr. TERRY *called again.—Examined by Mr. Knowlys.* Q. You have ſeen this note, look at it again, *(the two pound-note)*, how does that appear to you to have been effected?—*A.* With ink prepared with water and gum.

Q. Has it been ſtamped or engraved?—*A.* No; it has been done either with a pen or a bruſh, or both.

Q. Have you had an opportunity of trying that compoſition that was found in this cup?—*A.* Yes.

Q. Is it in your judgment done by that kind of compoſition?—*A.* I have endeavoured to analyſe the contents of the cup, it is compoſed of ſeveral things; the imitation on the Bank-note conſiſts of blue, which has been laid on firſt, and then Indian ink and common writing ink; the contents of the cup are blue Indian ink and writing ink.

Q. In your judgment, upon your oath, has that alteration in the note been effected by the ſame materials as you found in that cup?—*A.* By the ſame kind of materials.

Croſs-examined by Mr. Barrow. What are you?—*A.* An engraver and printer to the Bank.

Q. Has it ever been any part of your duty to ſtudy chemiſtry?—*A.* It has not been my duty, I have ſtudied it a little.

Q. What ſort of blue is this you have been ſpeaking of?—*A.* There is a cake of Scott's blue.

Mr. Winter. That is a cake of blue that I found in the ſame place, at the ſame time.

Q. *(To Mr. Terry.)* You have already ſworn, that this imitation has been effected, firſt, by laying on a coat of blue, then the Indian-ink, and then the common ink?—*A.* I cannot ſay whether the Indian-ink, or the common ink is put on firſt.

Q. At any rate, you think there muſt have been a foundation of blue?—*A.* Yes.

Q. How then came you to ſay, that the materials, by which this was effected, muſt have been of the ſame ſort as this which now appears before the Court?—*A.* I did not ſay ſo; when I ſaid the contents of the cup, I ſpoke of the blue which then laid in the cup, the mixture is only of India-ink, and common ink, the blue is in the cake, there may be a ſmall quantity of blue, I cannot ſay, I am rather doubtful, whether there is any blue in it or not.

Q. And yet you have analyſed it?—*A.* Yes; you may ſeparate them now with a bruſh.

Q. Tell us, in general terms, what you mean by analyze?—*A.* I took a very fine clean hair pencil, upon very white ſmooth paper, and being able to diſtinguiſh the two articles, the writing and the India ink, and having got them ſeparate, I took a little of each on the point of a bruſh, and made a waſh, in that which I ſuppoſed was the Indian ink; I found a body, an opaque body, for Indian ink is made principally of a kind of ſoot, the common ink I found tranſparent of a light nature, capable of ſtaining, which India ink does not do, beſides which, I perceived, belonging to each, the common ink has always a blue caſt, on account of the logwood with which it is made; the India-ink has a body, being made of lamb-black, and oil of vitriol.

Mr. Barrow. Q. I thought you ſaid it was made of ſoot?—*A.* Is not lamb-black ſoot.

Mr. Barrow. Q. I do not know?—*A.* I know it is, and nothing elſe; therefore I concluded the contents of the cup were common writing-ink, and Indian-ink united with a very ſtrong gum.

Q. Among chymiſts, the uſual courſe is to ſeparate the articles?—*A.* Yes; if you can ſeparate them.

Q. Indian-ink is a compound of itſelf?—*A.* It is a compound of ſoot, oil of vitriol and ſtrong gum together, with water, common writing-ink is compounded of gall, logwood, and either vitrified cockle, or vitrified oil.

Q. And

Q. And I believe gum?—*A.* Yes.

Q. Is there any known proceſs in chymiſtry, by which you can divide theſe compounds?—*A.* I do not underſtand you; I found them at the ſide of the cup ready ſeparated, and at the bottom they were blended.

Q. Such was the proceſs you made, that you can ſay upon your oath, you ſeparated each of them?—*A.* When Mr. Winter gave me the cup, there was at the bottom, a cake of blue water colour on the ſides of the cup; I found what I ſtill believe to be, in ſtreaks, and ſeparate from each other, two articles, the one writing-ink, and Indian-ink, but at the bottom theſe two articles were blended together.

Mr. Fielding. Q. Have you made any experiment upon any piece of paper?—*A.* Yes, *(produces two papers;)* this is the bottom of the cup mixed with common writing-ink, to ſee whether the colour agrees with what I apprehend it to be.

Q. Do you ever amuſe yourſelf in drawing or painting in water-colours?—*A.* Yes, ſometimes.

Q. Is it any thing extraordinary, that thoſe perſons who do employ themſelves in drawing, ſhould have camel hair pencils, and compoſitions of this ſort?—*A.* Yes; when people draw and paint much, they have thoſe ſort of things.

Q. Is it not eſſentially neceſſary?—*A.* Yes.

ELIZABETH HOWARD *ſworn.—Examined by Mr. Giles.* I live ſervant with Miſs Davey.

Q. Do you remember any gentleman coming to your houſe to ſearch for any thing belonging to the priſoner at the bar?—*A.* Yes, Mr. Winter; he ſaw all his boxes.

Q. Did thoſe boxes, in fact, belong to the priſoner?—*A.* Yes; he kept his clothes in them.

Q. Do you remember Mr. Winter finding any thing in a drawer in the butler's pantry?—*A.* I do not know what he found.

Q. In the drawer that you pointed out to Mr. Winter, in the butler's pantry, did the priſoner keep any of his things?—*A.* Yes, he did.

Q. Do you recollect, at any time, ſeeing any Bank-notes in cuſtody of the priſoner?—*A.* About a month, or ſix weeks before he was taken up, I ſaw one Bank-note in the window, and tradeſmen's bill with it.

Q. Do you know the amount of that note?—*A.* No; I did not take any notice.

Q. Did you ſee but one?—*A.* I thought there were more, but I took no notice; I told him he let his money lie about.

Croſs examined by Mr. Praed. Q. You have lived in this family a long while, I believe?—*A.* Five years.

Q. Had the priſoner lived there during all that time?—*A.* Yes.

Q. What has been his general behaviour and demeanour during that time?—*A.* He behaved extremely well.

Q. What is his character as to honeſty in particular?—*A.* I always thought him very honeſt.

Q. He lived in the family before you came into it?—*A.* Yes, he did; many years.

Q. Was he an idle and diſſipated young man, or a ſober and careful man?—*A.* Very ſober, and very careful.

Q. Had he many viſitors come after him, or had he few or none?—*A.* He had no viſitors.

Q. Was he regular in his hours?—*A.* Very regular.

Q. I believe, unfortunately for the uſe that is now made of it, he was a very ingenious man?—*A.* He was.

Q. He had a talent for drawing?—*A.* He had.

Q. Have you often ſeen him drawing?—*A.* Yes.

Q. When he was ſo employed was it in the preſence of the other ſervants, or was it in private?—*A.* In the preſence of the other ſervants.

Q. Had it been his courſe of employment for a length of time paſt?—*A.* It had.

Q. Did you ever know him withdraw himſelf for the purpoſe of drawing in private?—*A.* Never.

Q. Do you know by what means he got the colours, and camel-hair pencils, that we have been ſpeaking of?—*A.* They were ſome of Miſs Davey's.

Q. I believe your miſtreſs ſometimes amuſed herſelf with drawing?—*A.* Yes; Miſs Fanny Davey.

Q. Did you ever receive from her any of the colours ſhe makes uſe of in drawing?—*A.* Yes; Miſs Fanny Davey's maid has given me many colours.

Q. Upon what day was it Mr. Winter came to the houſe to take away theſe things that were found in the boxes?—*A.* I think it was either Tueſday or Wedneſday.

Q. What day was he apprehended?—*A.* On the Saturday.

Q. Between the Saturday and the Wedneſday, had you ſeen the priſoner?—*A.* Yes; I ſaw him when he was at Marlborough-ſtreet.

Q. Was that before Mr. Winter came to take away the things?—*A* I believe it was.

Q. He was very much truſted in the family?—*A.* Yes.

Q. Do you happen to know whether the priſoner, at this time, had, in his poſſeſſion, a draft for money?—*A.* Yes, he had, to the amount of ten pounds.

Q. When was that?—*A.* The day he was taken up.

Q. Whoſe draft was it?—*A.* The draft of a Mr. Hunt brother-in-law to Miſs Davey.

Q. Do

Q. Do you know the purpoſe for which he had it?—*A.* To pay ſome bills.

Miſs FRANCES DAVEY *ſworn.—Examined by Mr. Fielding.* Q. The priſoner, I underſtand, was a ſervant of your's?—*A.* Yes, he has lived in our family from a child; we always found him perfectly honeſt, he had money of our's to pay bills with.

Q. A ſhort time before the 20th of January, had you given him any Bank-note?—*A.* I gave him a five pound note the firſt week in January, to pay a bill of 4l. 14s. he brought me the change on the 10th of January; he brought me, the ſame day, change for a ten pound note, having paid two bills amounting to 3l. 4s. 3d. the change altogether, out of both notes, amounted to 7l. 1s 9d. he brought them to me in ſmall Bank-notes.

Croſs-examined by Mr. Knapp. Q. This boy has been in your family from his infancy?—*A.* Yes.

Q. I believe he lived in Devonſhire with your family?—*A.* Yes, he did.

Q. Sometime ſince that, you and your ſiſter diſcontinued to make a part of your brother's family upon his marriage, and came to London?—*A.* Yes.

Q. Then this lad came to live with you?—*A.* Yes; I have known him from ſeven years old.

Q. What age is he now?—*A.* About twenty two.

Q. Did you ever happen to poſſeſs a ſervant of whoſe character you had a higher opinion?—*A.* Never.

Q. We have heard from your ſervant, Elizabeth Howard, that you amuſe yourſelf in colouring and drawing?—*A.* Yes.

Q. Of courſe, in that amuſement, you have had camel's-hair pencils, and colours?—*A.* Yes.

Q. Have you ever been in the habit of giving thoſe kind of things to your maid?—*A.* Once I ſent ſome to him by my maid, but I do not recollect that I did more than once.

Q. Did you know that he was amuſing himſelf a little with drawing himſelf?—*A.* I was told that he did.

Q. You had given them to your maid?—*A.* Old things that I have thrown away.

Q. Do you know any thing of a gum-bottle that has been produced to-day?—*A.* Yes, it was mine.

Q. Has he entitled himſelf to ſo much confidence with you that you have entruſted him with money at various times?—*A.* Yes.

Q. Do you know any thing of his having a draft of Mr. Hunt's, in his poſſeſſion, ſhortly before he was taken up?—*A.* Yes, on the Saturday that he was taken up; it was a draft for ten pounds.

MARY LYNDEN *ſworn.—Examined by Mr. Knowlys.* Q. Do you keep a haberdaſher's ſhop, No. 295, Oxford-ſtreet?—*A.* Yes.

Q. Your ſon attended that ſhop?—*A.* Yes.

Priſoner's defence. My Lord, and Gentlemen of the Jury: On the 17th or 18th of January, in going from Lower Groſvenor-ſtreet, my miſtreſs's houſe, I went through Roxburgh-place, to a ſhoemake'rs, in Caſtle-ſtreet, Oxford-ſtreet, whoſe name is Perringcamp, I found, apparently to me, upon the ground, a letter, of which I did not know the contents, but I examined it, and found it to be ſome notes, but did not know what, I went to the place where I was going, then I returned to my own home; in a ſhort time, I examined them and found them to be two Bank-notes, conſiſting of a ten-pound and a two-pound; from that time, I went to the public-houſe to ſee the paper, to ſee if ſuch notes were advertiſed; the laſt time I went into the public-houſe, was the Saturday morning, the day that I was taken; and what I have ſaid, is a real fact.

For the Priſoner.

Mr. Knapp. I will thank you, Mr. Winter, to produce according to notice, a cover of a letter.

(Produces it very dirty), addreſſed Monſieur De Culler.

JAMES KENNEDY *ſworn.—Examined by Mr. Knapp.* I am an officer of Marlborough-ſtreet: I went down, in conſequence of directions that I received, to the priſoner, after he was committed to the lock-up place, in Marlborough-ſtreet office; he told me, he would be very much obliged to me to go to his miſtreſs's for his great coat, and for a cover that the two Bank-notes were in.

Q. Did he tell you at the time, whether that cover was directed or not?—*A.* Yes, he did.

Q. Recollect, as well as you can, what was the direction that he told you?—*A.* It was Dumorier, or ſome ſuch name, it was a French name, I don't underſtand French; he told me, it was in a drawer in the cloſet, in the little back parlour; I went there, and aſked the maid for it; I directed her where to find it, ſhe went, and brought it to me.

Q. Look at that cover, and tell me if that was the cover that ſhe brought to you?—*A.* Yes; there is my mark upon it.

Q. Had it the appearance of dirt upon it that it has now?—*A.* The ſame that it has now.

Q. When you had found this agreeable to the priſoner's direction, what did you do with it?—*A.* I brought it then to the office, and it was delivered to Mr. Winter.

Q. When he told you this at Marlborough-ſtreet, was it before he was locked up?—*A.* Juſt when he was locked up.

Q. Were you preſent when any declarations were made by him that you would find this where you did find it?—*A.* Yes.

CATHERINE HOWARD *ſworn.—Examined by Mr.*

Mr. Knapp. Q. Are you ſervant to Miſs Davey? —*A.* Yes.

Q. Can you tell us whether Miſs Fanny Davey was in the habit of giving you camel-hair pencils and bruſhes?—*A.* She gave me ſome to give to Lovell.

Q. Do you remember Kennedy, the officer, coming to your houſe after the priſoner's apprehenſion?—*A.* Yes; I aſked him, what he wanted, and I underſtood by his direction, that it was a leather caſe; I came back to him again, and he told me, it was a letter caſe, meaning the cover of a letter.

Q. Did he tell you where to find it?—*A.* I and my fellow ſervant went to the priſoner, at Marlborough-ſtreet, the night that he was taken up; he aſked me, if I had not found the cover of the letter; I told him, no; and he told me to ſearch in the drawer in the parlour, where he ſlept, and there he believed I ſhould find it; and we returned again with Kennedy, and in the drawer, in the parlour, I found the cover of the letter.

Q. Is that the cover of the letter?—*A.* It was very much like this.

Q. The ſame that you found you gave to Kennedy?—*A.* Yes.

Croſs-examined by Mr Fielding. Q. Look at that cover again, do you think you know any thing of that hand writing?—*A.* No.

Q. I take it for granted, you have lived upon a very good footing in the family?—*A.* Yes.

Q. Did he ever tell you of having found any Bank-notes?—*A.* No.

Q. Is he acquainted with any of the domeſtics in Serjeant Davey's family?—*A.* Yes.

Q. Serjeant Davey has a French cook, I believe? —*A.* Yes; his name is Rafrow.

Q. He is an acquaintance of his?—*A.* Yes, of all the ſervants.

Q. Was Serjeant Davey in town in January laſt? —*A.* He was in town laſt winter, he was not in town in January.

Q. When was the laſt time you ſaw Rafrow?— *A.* I have ſeen him once ſince Lovell has been taken up.

Q. Do you remember ſeeing him at all at your miſtreſs's houſe, before Lovell was taken up?—*A.* Yes.

Q. Who did he come to ſee particularly among the ſervants?—*A.* He came to ſee us all.

Mr. Knapp. Q. This French cook's name is Rafrow, not De Culler, or any ſuch name?—*A.* No

Q. He is ſervant to Serjeant Davey?—*A.* Yes.

Q. And ſtill living with Serjeant Davey?—*A.* Yes, down in Devonſhire.

ELEANOR CASTLE *ſworn.*—*Examined by Mr. Barrow.* I keep the Hertford arms.

Q. How far from Miſs Davey's?—*A.* Right facing the end of Lower Groſvenor-ſtreet, where the Miſs Daveys live.

Q. Do you remember Lovell coming to your houſe in the month of January, lately before the 20th?—*A.* Yes.

Q. Did he uſe to frequent the houſe?—*A.* Nothing further than to order porter.

Q. Did you take in any newſpaper at your houſe? —*A.* Yes, every other day.

Q. Did he ever enquire for any newſpaper to look at it?—*A.* He never did, only one week.

Q. How long was that before the 20th of January laſt?—*A.* I cannot ſay.

Q. Was it a week before he was taken up?—*A.* The very day he was taken up, he read the paper at our houſe.

Q. What part of that day was it?—*A.* Near two o'clock, in the middle of the day.

Q. Did he aſk to take it away with him?—*A.* Yes, but it was that day's paper, and we never let it out; he ſat down and read it.

Q. Did he ever apply to you before that to read the paper?—*A.* Yes, on Thurſday, two days before that, and I had not got it at home.

Q. Before this Thurſday, do you ever remember, in your life, his coming to your houſe to look at the paper?—*A.* Never.

Q. How long have you known the priſoner?—*A.* Only ſince the Miſs Daveys came to town, juſt before Chriſtmas.

Croſs-examined by Mr. Fielding. Q. How many of the ſervants of Miſs Davey are you acquainted with?—*A.* None of them particularly.

Q. Are you acquainted with any of the ſervants of Serjeant Davey's family?—*A.* No.

Q. How long had he looked at the paper before he aſked to take it home?—*A.* I told him, we never let out the day's paper, and he ſat down half an hour, and read it.

Q. He did not give you any reaſon why he wanted to read the paper?—*A.* He never gave me any reaſon at all.

ELIZABETH INGRAM *ſworn.*—*Examined by Mr. Praed.* I live in the ſervice of Miſs Davey; I ſaw the priſoner the evening after he was apprehended; Catherine Howard went with me to Marlborough-ſtreet, to aſk where the cover of the letter was, becauſe we could not find it; he told us, it was in the table-drawer, in the back parlour, where he ſlept; we looked for it, and found it.

Q. Is this the ſame?—*A.* Yes, it is the ſame.

Q. Do you remember at any time, previous to his being apprehended, an accident with an ink-bottle?—*A.* Yes, the day the ladies came to town; I bought a bottle of ink, it ſtood in the window in the kitchen; I got up to ſhut the window, in the evening,

evening, and threw the bottle down, I took a tea cup to catch what I could, I caught a tea-cup full of it.

Q. Should you know the cup again?—*A.* Yes.

Q. Do you think this is the tea-cup?—*A.* It was juſt ſuch a cup as that.

Q. On the Saturday that he was apprehended, both you and Catherine Howard ſaw him?—*A.* Yes.

Q. How long is it ſince that accident happened? *A.* About three months.

Croſs-examined by Mr. Fielding. Q. Do you think that is the ink that was caught from that bottle?—*A.* It was very thick ink, and I very often put a drop of tea or vinegar to it.

Q. Did this young man tell you he had found any Bank-notes?—*A.* No.

ELIZABETH MINCHIN *ſworn.* — *Examin'd by Mr. Knapp.* I am houſe-maid to Miſs Davey: On the Tueſday morning before the priſoner was taken up, he went out between ſeven and eight o'clock, he came back again before breakfaſt.

Q. Do you remember his having a letter to put in the poſt that morning?—*A.* He told me of it over night; I directed him to the penny-poſt in Davies-ſtreet.

Q. Did it turn out that your direction was right?—*A.* No; a day or two after, we were talking in the kitchen, and I aſked him, if I was right, and he ſaid, no, it was in Brook-ſtreet.

Q. How long have you lived in Miſs Davey's ſervice?—*A.* Almoſt three years.

Croſs-examined by Mr. Fielding. Q. Did he tell you when he went out, where he was going to?—*A.* No.

Q. Did he tell you when he came back, where he had been?—*A.* No.

Q. Did he ever tell you he had found any Bank-notes?—*A.* No.

Mr. Knapp. Q. Was it uſual with him to tell the ſervants, when he was going out, where he was going to?—*A.* No.

JOHN PERRINGCAMP *ſworn.—Examined by Mr. Praed.* I am a ſhoe-maker, No. 44, Caſtle-ſtreet, Oxford-market; I made ſhoes for the Miſs Daveys.

Q. Do you know their ſervant, Lovell, the priſoner?—*A.* Yes; I have ſeen him very often at our houſe, with orders from his miſtreſs, to fetch work away.

Q. Do you remember his coming to you in January laſt?—*A.* Yes, it was paſt the middle of January, it was in the beginning of that very week that I was called for to Marlborough-ſtreet.

Q. I believe you were in an ill ſtate of health?—*A.* Yes; I am ſtill.

Q. You did not riſe early?—*A.* I did not, that morning; there was a knock at the door, he came for ſome ſhoes, I think it was about nine o'clock, or a little after.

JOSEPH KENN *ſworn.*—I am gardener to Mr. Hunt, upon Black-heath.

Q. Do you know the priſoner at the bar?—*A.* Yes.

Q. Do you know of any cochineal of the priſoner's buying?—*A.* Yes; he bought it in Greenwich, he uſed it for colouring peppermint-drops, I have ſeen him uſe it.

Q. Do you know any thing of any iron tool that he had?—*A.* Yes.

Q. Look at that?—*A.* I have ſeen him uſe it.

Q. Does it appear very ſharp?—*A.* No.

Q. Is it as ſharp as a pen-knife?—*A.* No.

Q. What uſe did he make of that?—*A.* In making a tea-cheſt, for cutting the corners.

JAMES BRADFORD *ſworn.—Examined by Mr. Barrow.* I am coachman to Mr. Hunt, I know the priſoner perfectly well.

Q. Have you ever ſeen this tool before?—*A.* Yes, in the poſſeſſion of the priſoner.

Q. Mr. Hunt lives at Black-heath?—*A.* Yes.

Q. Have you ſeen it in the priſoner's poſſeſſion there?—*A.* Yes.

Q. When was it?—*A.* Somewhere about the beginning of January.

Q. Do you know what uſe he made of it?—*A.* To imitate a tea-cheſt out of a thick piece of deal.

JOSEPH HUNT, ESQ. *ſworn.—Examined by Mr. Knapp.* I have known the priſoner three years, he was in my houſe for ſome months.

Q. The Miſs Daveys were upon a viſit to you, I apprehend?—*A.* They were; he was their ſervant, he behaved, while he was in my houſe, very ſoberly, and like a perfectly honeſt man.

Mr. Praed. (To Mr. Tolfrey.) Q. You took this man's examination on Saturday evening?—*A.* Yes.

Q. Is the account he has now given of theſe notes, the ſame that he gave upon that examination?—*A.* He ſaid, that he had found them in Roxburgh-place, in the ſame manner that he has now ſtated upon all his examinations, though he was more circumſtantial in his late examinations, he never varied from the ſtory he at firſt told.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Baron THOMPSON.

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147. THOMAS EADY was indicted for that he, on the 19th of January, about the hour of two in the night, a cheſnut timber-tree, value 20s. belonging to Mary Jane Dowager Lady Dacre, being in a certain encloſed ground belonging to her, without her conſent, ſhe being the owner thereof, unlawfully did cut down againſt the form of the ſtatute, and againſt the King's peace.

Second

Second Count. Laying the property to belong to Sir William Dolben, Bart.

There were two other Counts for a ſimilar offence, varying the manner of charging it.

The caſe was opened by Mr. Knapp.

WILLIAM PICKTON *ſworn.*—I am carter to Sir William Dolben.

Q. Do you know the priſoner?—*A.* Yes.

Q. Do you know Welch and Crow?—*A.* Yes; I ſaw them all three one morning, at 20 minutes paſt ſix, as I came into the high-road from Sir William Dolben's yard, they were all on the off-ſide of my horſes; Crow came round to the near-ſide to me, as hard as he could run, he ſaid, he had got three or four pieces of wood, and aſked me if I would carry them to Southgate for him, which was about a mile off, I told him, he might put them up and welcome; Eady and Welch helped him to put them into the cart, I did not examine what ſort of wood it was, they were not above five minutes putting them in, there were four pieces of wood; I went on, and left them behind, except Crow, he came running after the cart, he aſked me where I was going to in London, and I told him, to Moorfields; in conſequence of a converſation between Crow and myſelf, I took the wood to the corner of Worſhip-ſtreet, leading into Finſbury-ſquare, then two men came with a truck, and took it away, I never ſaw any more of the wood or of them.

Q. Did you obſerve any thing particular about the wood?—*A.* No, only it appeared to be freſh cut.

GEORGE AYRES *ſworn.*—I am gardener to Mr. Elphinſton, I don't know the priſoner: On Saturday the 6th of January, about three in the morning, I ſaw three men in Sir William Dolben's Park, ſtanding in the ſame clump of cheſnut-trees where this tree was cut down from; I did not know either of them, when they ſaw me, they all ran away; I was there again at ſeven o'clock the ſame morning, and then there was a cheſnut-tree gone.

Court. Q. Were you in the park when you ſaw theſe men?—*A.* No, I was at ſeventy yards diſtance; when I came again at ſeven o'clock, I went into the park and ſaw the ſtump in the ground, and they had left the top in the field.

Q. *(To Pickton.)* They did not ſay any thing to you where they got it from?—*A.* No.

Q. In what part of the park was this tree ſituated?—*A.* It is not a park, it is a field; it was about 40 or 50 poles up the field.

ROBERT LONDON *ſworn.*—I am coachman to Sir William Dolben; I ſaw the trees all ſafe on the 5th of January, about five o'clock; the next morning, about ſeven o'clock, I diſcovered the head of a tree lying down, the body was gone, for any thing that I could ſee; it was a thickiſh morning, and only a glimmer of light.

JONATHAN TROTT *ſworn.*—I am conſtable of Enfield; I and Pidkin apprehended Eady, on the 19th of January, we had had the warrant a day or two, we wanted to apprehend the other firſt; we apprehended him at Southgate, going out to work, he lodges at his father's houſe, he had got a pick-axe and ſhovel upon his ſhoulder, he deſired to go back to leave his things, and I went back with him; his father was in bed in an adjoining room, he aſked, who is there, Eady ſaid, it is me; Pidkin began talking about the tree; his father ſaid, why, you were not concerned with Welch and Crow in ſtealing that tree; the priſoner ſaid, yes I was; the old man ſaid, oh dear, ſo many times as I have aſked you about it, and you have always denied it; we then took him to the ſign of the Roſe and Crown, and there he told me he did help to load the wood; I aſked him how they could get ſuch a large piece of wood up into the cart, and he told me it was cut into four lengths, three feet in each length; I then left him in the cuſtody of Pidkin, and went to inform Sir William of it.

JOHN PIDKIN *ſworn.*—I am a conſtable, I apprehended the priſoner after Trott left him, and I ſaid to him, Eady, there muſt have been a deal of trouble in cutting down ſuch a tree as this, he made anſwer, there was a d—d deal of trouble in it, it lodged in the next tree, and we were forced to cut off three lengths before it would drop, I took him to Bow-ſtreet, and he was committed.

Sir WILLIAM DOLBEN *ſworn.*—The cloſe that has been ſpoken of, I have in leaſe from Lady Dacre, together with the trees, they were about fifty or ſixty years growth, and of conſiderable timber girth.

Q. Did you give any orders for this timber to be cut down?—*A.* No.

Q. Was it with your conſent that it was cut down?—*A.* Certainly not.

Court. Q. Is that ſort of timber made uſe of for any purpoſe?—*A.* It was a horſe cheſnut-tree, I believe it is made uſe of by turners and cabinet-makers, it is worth about 25 or 30s.

RICHARD FERRIS *ſworn.*—I belong to the Police-office, Worſhip-ſtreet, *(produces a quantity of cheſnut wood, cut into thin boards;)* I found it at the houſe of one Webb; who has run away.

Priſoner's defence. As I was going along the road about ſix o'clock in the morning, I met with two men, and they aſked me to ſtop and help them up with four pieces of wood, and I helped them up with it, that is all I know about it.

Sir

Sir William Dolben gave the priſoner an excellent character.

GUILTY.

Fined 1s. and diſcharged.

Tried by the ſecond Middleſex Jury, before Mr. Baron THOMPSON.

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148. MARTHA SUTLIFF was indicted for feloniouſly ſtealing, on the 2d of February, two linen ſheets, value 8s. and a cotton counterpane, value 3s. the property of George Hudſon.

GEORGE HUDSON *ſworn.*—I am a ſhoe-maker, I keep a houſe in Grub-ſtreet: On Friday the 2d of February, I loſt two ſheets and a counterpane; the priſoner lived ſervant with me, and I ſuſpected her; my wife keeps a cook-ſhop, nobody had acceſs to the room but herſelf, and my wife and I; I challenged her with it, and ſhe denied knowing any thing of it; I then fetched an officer, in her box we found a duplicate of two ſheets, and another of a counterpane, ſhe gave the conſtable the key, then we went to the pawnbroker's, and found the property; I have left the duplicates at home, I did not know that they would be wanted, one of them is dated the 31ſt of January.

WILLIAM SMITH *ſworn.*—I am ſervant to a pawnbroker, *(produces a counterpane;)* it is a linen counterpane, I took it in of the priſoner.

JOHN STEVENS *ſworn.*—I am ſervant to a pawnbroker, *(produces two ſheets;)* I took one of them in pledge of a perſon whom I do not know, *(produces the duplicates;)* I was not preſent when the other was taken in.

Priſoner's defence. Mr. Hudſon has ſtopped my things, and he owes me 2s. 6d. beſides.

Proſecutor. I would not let any body elſe have her things, but herſelf.

The priſoner called two witneſſes, who gave her a good character.

NOT GUILTY.

Tried by the London Jury, before Mr. RECORDER.

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149. MARY LONG was indicted for feloniouſly ſtealing, on the 13th of February, two copper halfpence, value 1d. the property of Robert Sherwood.

ROBERT SHERWOOD *ſworn.*—On Tueſday laſt, the 13th of February, I ſuſpected I had loſt ſome money, and I marked copper halfpence to the amount of 4s. 6d. out of which I miſſed two; I am a publican, I put them into a baſon in the bar, and went up ſtairs; I left the priſoner in the tap-room, with the bar open, and in about a quarter of an hour I called her up to go to bed, and I and the officer then counted the halfpence, and found one penny marked; I had the officer up ſtairs to ſearch her directly, and in her pocket he found the two halfpence, ſhe was getting into bed, and her pockets were off by the bed-ſide, there was no other money in her pocket; the officer aſked for the key of her box, and in that he found 1l. 11s. 6d. in halfpence, and 2l. 2s. 6d. in ſilver, it was tied up in handkerchiefs and purſes, but I knew nothing of them, there were alſo four guineas in gold; ſhe would not aſk her miſtreſs's pardon, and I ordered her to the watch-houſe.

Q. How long had ſhe lived with you?—*A.* I ſaid before my Lord-Mayor, almoſt two years, but I find it was not quite one year, ſhe lived twice with us, once ſhe went away ſick, I had a very honeſt character with her.

Q. Had you loſt money before to any amount?—*A.* I cannot ſay to what amount, I ſtamped them in the officer's houſe, in his preſence.

Croſs-examined by Mr. Knapp. Q. This is a proſecution for one penny?—*A.* Yes.

Q. And if ſhe had aſked her miſtreſs's pardon, ſhe would not have been ſent to the watch-houſe?—*A.* No.

Q. She came to you with the character of having lived ſeven years in one place?—*A.* No; ſhe lived at other places between that and her coming to me.

Q. You marked all theſe halfpence with the ſame mark?—*A.* Yes; I marked them between three and four in the afternoon.

Q. Had you any cuſtomers in the courſe of that afternoon?—*A.* Yes, a good many.

Q. Did you mix theſe halfpence with others?—*A.* No.

Q. Does any body elſe ſerve in the bar beſides yourſelf?—*A.* Yes, my wife; ſhe is not here.

Q. How do you know ſhe might not have given change out of theſe halfpence that afternoon?—*A.* I am ſure ſhe did not.

Q. The priſoner went away ſick the firſt time?—*A.* Yes.

Q. You had not a good opinion of her then?—*A.* Yes; or elſe I ſhould not have taken her in again.

Q. Who has got all the money that was found?—*A.* The conſtable has got it.

Q. To the amount of ſeveral pounds—you having loſt but one penny?—*A.* Not that I have ſworn to.

Q. Was this girl employed to buy wood to light the fire in the morning?—*A.* Sometimes.

Q. Do you buy a pennyworth of wood at a time?—*A.* Yes, ſometimes.

Q. Whether this girl had a penny from your wife to buy a pennyworth of wood, you cannot tell?—*A.* No.

THOMAS SAPWELL *ſworn.*—I am a conſtable, *(produces*

(produces a penny;) I found this penny ſooſe in the priſoner's pocket, and, in ſearching her box, I found 1l. 11s. 6d. in halfpence, four guineas in gold, and 2l. 2s. 6d. in ſilver; when I was before the Lord-Mayor, I aſked what I was to do with this money, and the Lord-Mayor told me, I muſt bring it to the Old-Bailey.

Croſs-examined by Mr. Knapp. Q. Have you got the penny here?—*A.* Yes.

Q. Is it good money?—*A.* Yes.

Sherwood. This is the money that I marked, here is the inſtrument that I marked them with.

Mr. Knapp. Q. Did you ever mark any halfpence before?—*A.* No.

Q. Did not you pay your ſervant her laſt year's wages in halfpence?—*A.* No; I paid her 10s in halfpence.

Q. You have a club, I believe, held at your houſe?—*A.* Several.

Q. Was this girl in the habit of getting pence from thoſe clubs?—*A.* She might.

Q. Will you ſwear that there were no halfpence among them with ſuch marks as theſe?—*A.* I ſhould think not.

The priſoner left her defence to her Counſel.

EDWARD GROOM *ſworn.*—The priſoner lived ſeven years with me at Hounſlow; I have now retired from buſineſs, a better ſervant, and an honeſter woman never came into a houſe; ſhe has a ſmall annuity in the Bank, which I receive for her.

The priſoner called two other witneſſes, who had known her twelve years, and gave her a good character.

Sapwell. I have known the girl a long time, and always found her to be very ſober, honeſt and induſtrious.

NOT GUILTY.

Tried by the London Jury, before Mr. RECORDER.

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150. SARAH WHITAKER otherwiſe HAMMOND was indicted for feloniouſly ſtealing, on the 28th of January, a blanket value 2s. 6d. and a linen ſheet, value 1s. 6d. the property of Joſeph Kirton, in a lodging-room.

JOSEPH KIRTON *ſworn.*—I live in St. Ann's-ſtreet, Weſtminſter; I rented the houſe yearly, and always paid my landlord quarterly; I furniſhed every room in it: The priſoner at the bar, and a man, whom ſhe called her huſband, of the name of William Whitaker, came to take a lodging of me this day five weeks, as near as I can recollect, they agreed with me for half-a-crown a week for a parlour.

Q. Did you let it to them both?—*A.* Yes; he made the bargain for it, and they both came into it the ſame day.

Q. Have you any reaſon to doubt whether they were married?—*A.* She ſaid, before the Magiſtrate, that it was not her huſband.

Court. There is a defect in this indictment: it is an indictment for ſtealing in a lodging-room, let by contract to William Whitaker and Sarah his wife; the contract was made by him only, and therefore the priſoner muſt be acquitted.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice ROOKE.

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151. JOHN HANDS was indicted for feloniouſly ſtealing, on the 26th of January, a cloth coat, value 7s. a ſwanſdown waiſtcoat, value 5s. a man's hat, value 12d. and two pair of leather ſhoes, value 6s. the property of John Woods.

JOHN WOODS *ſworn.*—I was on guard on the 26th of January, when I loſt the property named in the indictment, *(repeating them)*, from my lodgings at the Harp and Crown, Hermitage-yard, Middleſex; when I came home, I went up ſtairs, and found my knapſack open, and the things gone out of it; I came down ſtairs and told the landlord of it, he was very much ſurpriſed, and ſaid there never had been any thing of the ſort before; he told me to let it be till morning, and he would enquire about it; the next morning he told me he had a ſuſpicion of the priſoner, and on Monday morning he was taken out of bed; I went with the officers, and the landlord, he had a great many duplicates, but none relating to my things; he was taken before the Magiſtrate, and at the public-houſe juſt by the office, there was the woman that lives with the priſoner; we told her if ſhe knew of the property ſhe had better tell us where it was; the man that bought them is here.

JOHN HARBOTTLE *ſworn.*—I know nothing of this robbery of my own knowledge.

—— LEVY *ſworn.*—I bought of Sufannah Stout, a coat and waiſtcoat, two pair of ſhoes, and a hat, *(produces them)*; Stout ſaid they belonged to her huſband.

SUSANNAH STOUT *ſworn.*—I live with the priſoner as his wife; I ſold this property to Mr. Levy, I had them from the priſoner; when he gave them to me I did not know they were not his own.

Q. What is Hands?—*A.* A ſailor; he gave me a coat, a waiſtcoat, two pair of ſhoes, and a hat, to ſell for him, I did not aſk him how he came by them; they ſaid they would neither hurt him nor me if I would own to the things.

Priſoner's defence. I know nothing at all of the things, I never touched them.

Harbottle. He lodged in the houſe three months with me, I never ſaw any thing bad in him before.

Q. Did

Q. Did Suſannah Stout lodge at your houſe with him?—*A.* No. *(The property was depoſed to by the proſecutor).* NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice ASHHURST.

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152. JAMES THOMAS was indicted for feloniouſly ſtealing, on the 12th of January, five buſhels of coals, value 3s. 6d. the property of Thomas Capper and Benjamin Capper.

BENJAMIN CAPPER *ſworn.*—I am in partnerſhip with Thomas Capper; Mr. Capper, of the Hungerford Coffee-houſe, gave us an order for a room of coals, one chaldron out of the room was to be ſent to Kentiſh-town: The priſoner at the bar was the carman who took that chaldron, the coals were loaded over night, he had been our carman for ſome time; I learned from Mr. Capper, that we had been robbed, and we had the priſoner taken up.

Croſs-examined by Mr. Knapp. Q. Have you any other perſon partaking of the profits of your buſineſs?—*A.* No.

Q. Another perſon was driving, of the name of Kelly?—*A.* Yes; he his dead.

Q. How long has he been dead?—*A.* He died the day after he was committed.

Q. Who was Kelly?—*A.* He was a perſon that the carman employed to aſſiſt him.

Q. You were preſent, I take it for granted, when he had the orders?—*A.* No.

Q. All that you know is, that you underſtood he had received orders?—*A.* Yes.

Q. Neither did you give the orders the next morning?—*A.* No.

Q. Somebody elſe did who is not here, perhaps?—*A.* Yes.

Q. Neither were you preſent when the coals went off the next day?—*A.* No.

Q. I take it for granted, as coal-merchants, you have a conſiderable quantity of coals lying in your barge?—*A.* Yes.

Q. How often do you take ſtock?—*A.* Once a year.

Q. And you charge to have loſt five buſhels of coals?—*A.* Yes.

Q. When did you laſt take ſtock?—*A.* The laſt day of December.

Q. Suppoſing the coals were produced, do you think you could ſwear to them?—*A.* No; Mr. Capper was going to Kentiſh-town, and ſaw the whole of the tranſaction.

BENJAMIN CAPPER *ſworn.*—I keep the Hungerford Coffee-houſe; I am not in partnerſhip with the proſecutor: On the 11th of January, I ſent my ſervant to order a room of coals, and to ſend as much to Kentiſh-town as would go over the weigh-bridge, I believe, about fifteen ſacks will go over the weigh bridge, deſiring them to ſend the remainder to my houſe early in the morning, and I would be there to receive them; as I was going along Tottenham-court-road I overtook the cart, about half paſt ſeven in the morning, I conceived it to be the coals going to my houſe; I ſaw a man emptying the coals out of one ſack into another, they ſtopped oppoſite Mortimer-market, and then I knew the team and the horſes; all the time they were going up Tottenham-court-road the man that is deceaſed was filling coals out of one ſack into another; the priſoner was the carman that drove it, the other man was in the cart; they turned the cart into the market, it is not a thoroughfare, and there I ſaw the priſoner, and the other man, both at the tail of the cart untying a rope, they appeared to be taking out a ſack of coals; I was afraid of their knowing me, and I went round another ſtreet to come the back way upon them; I halted ſome time, and before I got round the cart was gone, and they proceeded up Tottenham-court road; I followed them to the turnpike, and the man that is dead was moving the coals out of one ſack into another all the way to Mother Black-caps; I then went to my houſe at Kentiſh-town, in order to receive them; when I got there, I went up into the dining-room, where I had an opportunity of ſeeing them, and I obſerved that there were fourteen ſacks not near full; I went out and told a perſon my ſuſpicions, and we went to this place where I ſaw the cart turn up to the market, and then I went down to Mr. Capper's wharf; I left the perſon there to watch, his name is John Norris, and then we went to Bow-ſtreet; I had the coals meaſured, and found them five buſhels ſhort.

Q. Did not you obſerve whoſe name was upon the cart?—*A.* I did not, I knew the team, and I knew the horſes; when the man brought the coals, I obſerved to them, that I did not think the ſacks were full.

Croſs-examined by Mr. Knapp. Q. When the coals were delivered you were in the dining-room of your country-houſe?—*A.* Yes.

Q. At the time they were delivered by thoſe perſons, the one who is dead, and the priſoner, were they meaſured?—*A.* They were not; they were what they call fill-away coals; they were not meaſured to me, they were taken out of the room, and put into a new vault.

Court. Q. Did you aſk them if they brought them from Mr. Capper?—*A.* No.

JOHN NORRIS *ſworn.*—I am out of buſineſs: On Friday morning, the 12th of January, Mr. Capper called at my houſe in Tottenham-court road, between eleven and twelve o'clock, and in conſequence of what he ſaid, I watched the cart at the

the corner of Mortimer-market; when the cart came up they were both in the cart, and the deceaſed, Kelly, turned into the market, the priſoner went on with his cart; I followed the other man, and ſaw him go into a houſe in the market; I ſaw a woman and a man that is Court, paying him money in the ſhop, I waited till he came out, and he followed the cart, and I ſaw no more of them. I then went to Mr. Capper to tell him what I had ſeen, and we went to Bow-ſtreet, I and Mr. Benjamin Capper; we got a warrant, and went to ſearch for the coals in Mortimer-market, we found the coals freſh ſhot down in the kitchen in Mr. Coſterville's houſe, we took Mr. Coſterville's daughter with us to Bow-ſtreet, and, in conſequence of what ſhe told me, there was a warrant granted to apprehend the two priſoners; we waited at Mr. Capper's, at Beaufort-buildings, till the man came back, and they were gone out with another load of coals, they came back about twelve o'clock, they were taken to Bow-ſtreet and committed.

Croſs-examined by Mr. Knapp. Q. Do you mean to ſwear poſitively to their having the appearance of being freſh ſhot?—*A.* Yes, they appeared ſo to me; there had been coals there before, and theſe were ſhot down by the ſide of the others.

Q. The priſoners were apprehended while they were in the actual employ of their maſters.—*A.* Yes.

SARAH COSTERVILLE *ſworn.*—I live in Mortimer-market; a man came to me, like a coalman, and brought a ſack of coals.

Q. Did you know that man?—*A.* No, I did not; he ſaid they were for me, I ſaid, they were not; he ſaid yes, they were for me; I aſked him in the name of God who ſent them to me? and he ſaid it was no matter; then he brought them down into the kitchen, there were coals there, I did not want them, I did not ſee any cart, I do not know how they were brought, except that they came upon the man's back; as he was going away, the man aſked for ſome beer, and I called to the girl to bring down threepence halfpenny, and then he ſaid make it ſixpence, I gave him ſixpence, I know no more of it.

Croſs-examined by Mr. Knapp. Q. You received a ſack of coals from a man having the appearance of a coalman, for which you paid him ſixpence?—*A.* My child did.

Q. That is all you know?—*A.* Yes.

Q. Who the man was you do not know?—*A.* I do not.

MARY COSTERVILLE *ſworn.*—I am the daughter of the laſt witneſs, I did not hear any thing about it till my mother told me to bring down threepence halfpenny, and as I came down the man ſaid make it up ſixpence, upon that I went up and brought down ſome more halfpence, and put ſixpennyworth of halfpence into the man's hand; I paid the money in the ſhop.

Q. Any body in the market could ſee what paſſed there?—*A.* Yes, certainly; this was about eight o'clock; at paſt ten o'clock a perſon came and ſaid he was come for the money for ſome coals, I aſked him what I was to give him, and he ſaid half-a-crown and threepence halfpenny, which I did.

Q. Do you know who that man was?—*A.* No.

Q. Was it the ſame man that came firſt?—*A.* I do not know.

Croſs-examined by Mr. Knapp. Q. At the time the man came the firſt time and the ſecond time, it was in a public market?—*A.* Yes.

Q. And any perſon in the market might have ſeen him go in and out both times?—*A.* Yes.

Q. *(To Norris.)* Is that the young woman that you ſaw paying the money?—*A.* Yes.

The priſoner left his defence to his Counſel, and called five witneſſes who had known him from nine to upwards of twenty years, who gave him a good character.

Court. (To Capper.) Q. In turning down towards Mortimer-market, they muſt have gone out of their way to your houſe?—*A.* Yes.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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153. RICHARD BICKERIDGE and THOMAS BEAL were indicted for feloniouſly ſtealing, on the 3d of February, a buſhel and a half of oats, and a peck of beans, mixed together, value 3s. the property of Thomas Harder and Thomas Gray.

(The caſe was opened by Mr. Knapp).

WILLIAM HUGHES *ſworn.*—I am oſtler at the Bell Savage: The priſoner, Bickeridge, was horſe-keeper to look after the horſes belonging to the Windſor ſtage; Beal is a man that comes up with fruit; on the 2d of February, at twelve at night, I went into the ſtables, and ſaw every thing ſafe. The next morning, Saturday, I got up about ſeven; I went to the window, and ſaw Beal's cart drawn juſt under the Windſor ſtable door, I dreſſed myſelf, and came down ſtairs; I went to the cart, and in the cart was a ſack with ſome oats and beans mixed in it; I then informed my maſter, and came back again; I did not ſee my maſter till paſt nine; when I came back, I ſaw Beal come into the yard, and went out again; the cart was ſtanding in the ſame place I had ſeen it before; then Mr. Beal came in again to harneſs his horſe, that was between eleven and twelve.

Q. Who drew the cart there, you don't know?—*A.* No; Mr. Beale put his horſe into the cart, and whiſpered ſomething to Parker, who is the accomplice,

complice; Bickeridge was then in the ſtable; Beal put his horſe to, and another man helped him to harneſs it; Beal then went out of the yard with the horſe and cart, I followed him out of the yard, and ſtopped him; I aſked him what he had got in his cart, he ſaid he had nothing at all but what was his own; I told him, if he got up, I thought he would find ſomething there that was not his own; he would not get up, he had his dog in the cart; I told him, if he would move the dog, I would get into the cart myſelf; Beal ſaid, then I will get up into the cart with you; there were two ſacks in the cart, I took hold of the ſacks, and aſked him if that was all he had in his cart, and he ſaid, yes, for any thing he knew; I got into the cart, and found the ſack, with the corn in it, covered over with ſtraw; I aſked him if that was his, he ſaid he did not know how it came there; I took the ſack, and gave it to a gentleman to lift down, and I told Beal he ſhould not go any further till my maſter came; he begged I would not make any piece of work about it, but if it was our corn, we ſhould have it again; I told him I could not do that; he begged I would let him go, and if there was any thing the matter, he would ſettle it when he came again on Friday; afterwards he ſaid he would tell the truth, he ſaid that Parker told him there was ſomething put into the cart for him; he ſaid no more about the corn, but he ſaid Mr. Gray was a long while, and he was afraid he ſhould not get home by dark; I did not let him go till he was taken into cuſtody; the corn was taken into the Bell Savage parlour. I went into the Windſor ſtable the night before, there were about four buſhels in the bin, and in the morning there was but about half a buſhel left.

Q. Was the ſack that was in Beal's cart full?—*A.* No, it contained about two buſhels; when the conſtable came, my maſter took Beal into the parlour, and aſked Beal how he came by the oats, and he ſaid Parker told him there was ſomething for him in the cart; I went to fetch Parker, and my maſter aſked him about it, and he ſaid Old Dick, that is, Bickeridge, told him there was a ſack there, and deſired him to put it into the cart, which he did; then I went to call Bickeridge, he was in the Windſor ſtable at work, he came in, and my maſter aſked him if he knew any thing about the corn and beans that were put into Beal's cart; Bickeridge ſaid he knew nothing at all about it; my maſter directly ſaid, Parker ſays you told him to put it into the cart; Bickeridge ſaid, how can you tell ſuch a lie, Jem, for I never told you no ſuch thing; and then they were all three taken into cuſtody.

Croſs-examined by Mr. Knowlys. *Q.* How long have you been oſtler at this place?—*A.* Three years and a half.

Q. Beal has been a conſtant frequenter of your houſe?—*A.* Yes.

Q. Every Friday, when he comes to Fleet-market?—*A.* Not every Friday.

Q. He deals in fruit in Fleet-market?—*A.* Yes.

Q. Early in the morning he is obliged to be in the market upon his buſineſs?—*A.* Yes.

Q. When you ſaw the cart, Beal was not in the yard?—*A.* No.

Q. But Bickering was in the ſtable?—*A.* I cannot ſay; he was there almoſt directly after.

Q. Parker ſaid, when he was taken up, that Bickeridge had told him to put ſomething in the cart for Beal, did he not, at the ſame time, tell you that Beal was not there at the time it was put in?—*A.* No, he did not.

Q. Beal had a pretty fierce dog with him?—*A.* I cannot ſay that he was very fierce.

Q. Did he not quiet the dog for you to get into the cart?—*A.* Yes.

JAMES PARKER (the accomplice) *ſworn.*—I am oſtler at the Bell Savage: Laſt Saturday ſe'nnight, a little after ſeven in the morning, I went into the Windſor ſtable, I came out and went in again, and then I ſaw Bickeridge there; I held up a ſack, and he put in ſome corn, oats, and beans; he took it out of the bin; there were nearly two buſhels; the ſack was about half full; Richard Bickeridge told me to carry it to Beal's cart, which ſtood under the ſhed by the ſtable door.

Q. Beal was not there?—*A.* No.

Court. Gentlemen of the Jury, upon this evidence, Beal, if he is to be charged at all, ſhould have been charged with receiving, and not with ſtealing: With reſpect to Bickeridge, there is no evidence to affect him, except that of an accomplice, and therefore they muſt be acquitted.

Both NOT GUILTY.

Tried by the London Jury, before
Mr. RECORDER.

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154. MARY IRONMONGER was indicted for feloniouſly ſtealing, on the 6th of April, a ſilk handkerchief, value 3s. the property of John-Thomas Page.

JOHN-THOMAS PAGE *ſworn.*—I live in Queen-ſtreet, Cheapſide: The priſoner came to live with me laſt February, and remained in my ſervice till the 13th of June; during that time many things were loſt; I had no ſuſpicion of her; as there had been a fire at the next houſe, I attributed the loſs to that fire, till laſt Friday I miſſed ſome more things; and, on miſſing thoſe things, a woman of the name of Fuller, who was introduced to my houſe by the priſoner at the bar, was taken up, and ſhe was tried laſt Wedneſday, and convicted; I went to Mr. Watſon's, a pawnbroker, who lives near

near me, and told him, I had loſt ſome things, and that Mr. Clement, who lives with me, had loſt ſome ruffled ſhirts; he ſaid, he believed he had ſuch things; and upon looking for them, he found a number of my things; I found a pocket handkerchief that I miſſed at the time the priſoner lived with me.

DAVID WATSON *ſworn*.—I am a pawnbroker, *(produces a ſilk handkerchief)*; it was pledged with me, on the 6th of April, by the priſoner.

Q. *(To Mr. Page.)* Is that handkerchief your property?—*A.* I won't aſcertain it, becauſe it is not marked.

NOT GUILTY.

Tried by the London Jury, before
Mr. Juſtice ASHHURST.

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155. MARY IRONMONGER was again indicted for feloniouſly ſtealing, on the 12th of April, a ſilk handkerchief, value 3s. the property of John-Thomas Page.

JOHN-THOMAS PAGE *ſworn*.—I can ſwear to the handkerchief in this indictment, it is marked and numbered; I found that alſo at Mr. Waſon's.

DAVID WATSON *ſworn*.—I had this handkerchief, *(producing it)*, from the priſoner, on the 12th of April.

Mr. Page. This I ſwear to be my property.

Croſs-examined by Mr. Knapp. Q. You had a fire next door to you?—*A.* Yes, laſt January.

Q. Did you ever ſee your handkerchief between April and January?—*A.* I cannot ſwear to that, but I have no doubt of it; I never miſſed it.

Q. Any body elſe might have taken it for what you know, and the priſoner might be the perſon to pawn it?—*A.* I cannot ſay, ſhe always had acceſs to my drawers.

The priſoner called one witneſs, who had known her ten years, and gave her a good character.

GUILTY.

Confined twelve months in the Houſe of Correction, and fined 1s.

Tried by the London Jury, before
Mr. Juſtice ASHHURST.

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156. MARY JONES was indicted for feloniouſly ſtealing, on the 16th of January, nine yards of linen cloth, value 10s. the property of John Whiting, privately in his ſhop.

JOHN WHITING *ſworn*.—I am a hoſier and haberdaſher, No. 40, Beech-ſtreet, Barbican: On the 16th of laſt January, the priſoner came into my ſhop with another woman, between one and two o'clock, I was ſitting at dinner in the parlour, my wife ſaid, there were two women in the ſhop; I went to the other woman, not the priſoner, and ſhe ſaid, I want to look at ſome black ſtockings; I immediately reached them down, ſhe bid me leſs than I could afford to take, and they went away; my wife told me, ſhe ſuſpected the priſoner, I immediately ſtopped her at the door, and turned her cloak on one ſide, and there I found a remnant of Iriſh cloth that had been lying on the counter, about nine or ten yards, it is worth about nine or ten ſhillings; it was a piece of very common Iriſh; a conſtable happening to paſs, I gave him charge of her, and I gave him the cloth.

WILLIAM MASON *ſworn*.—I am a conſtable: I received this cloth from the proſecutor, *(produces it)*; I have had it ever ſince; I ſearched her, and found nothing about her but a duplicate and a knife.

Whiting. This is my cloth, I know it by the quality, there is a mark upon it.

Q. When was that mark put upon it?—*A.* After I took it from the woman.

Priſoner's defence. I don't know that I had it at all, but there was a bad woman in the ſhop, and ſhe might have given it me, I don't know.

Proſecutor. I have ſince been given to underſtand that ſhe is not in her right ſenſes.

NOT GUILTY.

Tried by the London Jury, before
Mr. Juſtice ROOKE.

157, DANIEL CARTY was indicted for feloniouſly ſtealing, on the 30th of January, a wooden firkin, value 4d. and 56lb of butter, value 2l. the property of James Fitch.

JAMES FITCH *ſworn*.—On Tueſday evening, the 30th of January, I loſt a firkin of butter, containing fifty-ſix pounds, worth forty ſhillings; I can only identify the property.

GEORGE FITCH *ſworn*.—I am nephew to the laſt witneſs: On Tueſday evening, the 30th of January, I ſaw the priſoner go out of the ſhop with a firkin of butter, I followed him, he had got the firkin upon his right ſhoulder; it is now in Court; I laid hold of the man, but I could not hold him.

(William Ballad, the proſecutor's ſervant, produced the butter).

—— BIGGINS *ſworn*.—I am a patrol: I ſtopped the priſoner, and took him acroſs the way to Mr. Fitch's houſe, and from there I took him before the Lord-Mayor, and he was committed; I marked the firkin, and left it with Mr. Fitch; this is the ſame firkin.

Proſecutor. This is the firkin that I loſt, it has my mark upon it.

Q. *(To George Fitch.)* Are you quite ſure the priſoner was the man?—*A.* Yes.

GUILTY (Aged 37.)

Confined twelve months in the Houſe of Correction, and fined 1s.

Tried by the London Jury, before
Mr. Juſtice ASHHURST.

158. JAMES

158. JAMES AYRES was indicted for breaking and entering the dwelling-houſe of George Float, he and others of his family being therein, about the hour of two in the night of the 3d of February, with intent to ſteal his goods, and ſtealing two ſilk handkerchiefs, value 4s. a claſp knife, value 6d. a leather pocket-book, value 1d. 4800 halfpence, value 10l. and two Bank-notes, each of the value of 1l. the property of the ſaid George.

MARY FLOAT *ſworn*.—I am the wife of George Float; he keeps the Red Lion, in Whitechapel-road: On Saturday, the 3d of February, about a quarter after four in the morning, our houſe was broke open; I went to bed about half paſt twelve, I was the laſt perſon up in the houſe, I went round the houſe, and ſaw every part of it properly faſt; a puppy that we keep juſt by the bar-door, made a noiſe, and that rather alarmed us, but we did not get up then; my huſband got up about a quarter after four; I had left ten pounds worth of halfpence in the bar, a ſilk handkerchief, a claſp knife, a leather pocket-book and two one-pound Bank-notes; my huſband called me up as ſoon as he found the place broke open; I came down ſtairs, and found that the bar door had been cut with a knife, and wrenched open; the handkerchief and the knife I had left in a drawer under the till; the money was in a cupboard under the till, all tied up in brown paper, and the notes in a pocket-book in the till; the priſoner was taken laſt Thurſday, and I ſaw part of my property in the hands of the officer; he had been my ſervant about two years ago.

GEORGE FLOAT *ſworn*.—I keep the Red Lion, Whitechapel-road: About twenty minutes before four in the morning of the 3d of February, I was diſturbed by the noiſe of a puppy—

Q. He would make a noiſe at any thing paſſing in the ſtreet?—*A.* Yes; he is quite a little puppy; I came down ſtairs—

Q. Was it light at that time?—*A.* No, it was dark; I had a light in my hand; it is not day-light till about a quarter before ſeven; I came down and found the ſtreet door wide open, and the bar door; the bar door opens into the paſſage, and the cellar goes down facing the bar door, it had been wrenched open; they had got in at one cellar window, and got out at the other; they are both on my premiſes, leading into the ſtreet; I cannot ſay whether that was faſtened or not; it was put down becauſe people walked over it; then they came up the cellar ſtairs and broke the cellar door open; I ſaw the handkerchief and the knife in the bar the night before; I had not ſeen the money; I called my wife, and ſhe came down, and miſſed it; Robert Coomes, the officer, apprehended the priſoner, on Thurſday following, at Deptford, in the ſtreet, I was with him at the time; we found the handkerchief round his neck; we ſearched him, and found the knife, and ten ſhillings and four-pence halfpenny in halfpence; we aſked him, how he came by the halfpence; I told him, it would be better for him to confeſs.

Court. Then you muſt not tell us what he ſaid.

Float. I found the pocket-book, according to his direction, at the Red Lion, at Hoxton, where he had thrown it away.

ROBERT COOMES *ſworn*.—I belong to the Public-office in Lambeth-ſtreet: I apprehended the priſoner, in company with the laſt witneſs; I found a ſilk handkerchief round his neck, a knife, and ten ſhillings and four-pence halfpenny; I found the pocket-book afterwards at the Red-lion, at Hoxton; he told me that he changed one of the notes at the Red-lion, and then threw the pocket-book away, and that he ſaw the landlord's little boy pick it up. *(Produces the property, which was depoſed to by Mrs. Float, except the halfpence).*

Priſoner's defence. I know nothing of the property.

The priſoner called the proſecutor to give him a character, who depoſed, that he had had reaſon to ſuſpect him before.

GUILTY (Aged 19.)

Of ſtealing the handkerchief, the knife, and the pocket-book.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury, before Mr. RECORDER.

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159. WILLIAM SIBLEY was indicted for breaking and entering the dwelling-houſe of Everard Cruttenden. about the hour of nine in the night of the 20th of February, and ſtealing thirteen yards of ſilk ribbon, value 7s. the property of the ſaid Everard.

EVERARD CRUTTENDEN *ſworn*.—I am a haberdaſher, No. 35, Roſemary-lane: On Saturday night laſt my ſhop-window was broke, I was behind the counter ſerving in the ſhop at the time, it was between eight and nine o'clock in the evening; I loſt a piece of ſatin ribbon containing between thirteen and fourteen yards, on a roll, worth about ſeven ſhillings, the ſhop-door was ſhut; I immediately went out to the oppoſite ſide of the way, and laid wait for his coming back again; I had before loſt things in the ſame way, to a conſiderable amount.

Q. It was not day-light then?—*A.* No, it was dark; I obſerved a ſmall hole in one ſquare of glaſs, and the priſoner at my ſhop-window making ſeveral attempts; I cannot ſay what with, but I think it was a knife, making the hole larger to convey the roll through, which at laſt he did, and inſtantly put it into his boſom.

Q. Had

Q. Had he got his hand inſide the window?—*A.* No; I immediately caught him as he was running away, and ſecured him; he took it out of his boſom, and dropped it on the ground, with a knife, which I afterwards found; I took him to my own ſhop, and called for aſſiſtance; I ſent for a conſtable, who lives next door to me, and he ſearched him.

Q. Can you ſwear, that at the time you left the ſhop, there was room enough to get the ribbon out?—*A.* By no means; but as I was watching him all the time, I can ſwear that no other perſon had been near the window.

JOSEPH DUTTON *ſworn.*—I am a conſtable, I was ſent for by Mr. Cruttenden: I ſearched the priſoner but did not find any thing upon him; I then went to the ſpot where he was taken, at the corner of a ſtreet, and there was a woman who had juſt picked up the priſoner's hat, and a piece of ribbon in the crown of it; I gave the priſoner his hat, and have had the ribbon ever ſince. *(Produces it).*

Proſecutor. This is my ribbon, I had placed it there myſelf in the morning, I cannot ſay whether I ſaw it or not when I went out to watch; I ſaw him put his hand in his boſom and throw this piece of ribbon down, and his hat fell off at the ſame time in the ſcuffle; here is a piece of the ſame that was found in the glaſs caſe, that had been cut off with a knife.

The priſoner did not ſay any thing in his defence.

GUILTY (Aged 15.)

Of ſtealing the goods, but not guilty of breaking and entering the dwelling-houſe.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury, before Mr. Juſtice ASHHURST.

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160. FRANCIS FUDGE was indicted for feloniouſly ſtealing, on the 28th of January, a ſilver watch, value 20s. the property of Elilha Pearce.

ELISHA PEARCE *ſworn.*—I am a coal-merchant, in Litchfield-ſtreet, St. Ann's: The priſoner at the bar lived at a coal-ſhed, in a back houſe through which I had communication; he had half-a-guinea a week wages, and to make his place better I gave him a ſhilling a week to clean my boots and ſhoes, and ſo on; on the 28th of January, he came as uſual to clean my ſhoes, I went out about eleven o'clock, and my maid-ſervant ſent this boy up ſtairs to ſtay with my daughter, who was ill, while ſhe went out on an errand; as I was going a little diſtance in the country to dinner I did not take my keys with me, but left them upon the mantle-piece in that room; when I returned the next morning, I found the keys in my deſk, there was a private drawer in the deſk where there were two watches, one of them was gone; there were checks and bills to a conſiderable amount; I heard that the boy was taken to Bow-ſtreet with the property, and I went and owned it.

SAMUEL WELLS *ſworn.*—I am a green-grocer, No. 10, Moor-ſtreet, Soho: On the 28th of January, about eight o'clock in the evening, the priſoner aſked me to lend him three ſhillings on his watch; I aſked him how he came by a watch; he ſaid, his father had received his brother's prize-money, and had made him a preſent of the watch; I lent him the three ſhillings, and took the watch; about ten o'clock the ſame evening, he came and demanded another ſhilling; in the mean time I had been at a public-houſe, where I had ſeen him in liquor, and drinking; he ſaid it was his, and his father would give him the money in the morning; I lent him another ſhilling; I began to be very uneaſy, and I found out where his father lodged, and then I found that he had come by the watch in a *clandeſtical* manner; I then found the boy, and took him to Bow-ſtreet; I told him he had ſtole it, and he had better own where it was. *(Produces the watch).*

Pearce. I know this watch by the number and name, it was made for me a great many years ago, and the outſide caſe is wore at the knob; I can poſitively ſwear it is mine.

Priſoner's defence. The maid left the keys in the deſk, and I took the watch.

The priſoner called two witneſſes who gave him a good character.

GUILTY (Aged 16.)

Confined ſix months in the Houſe of Correction, and fined 1s.

Tried by the firſt Middleſex Jury, before Mr. Juſtice ROOKE.

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161. WILLIAM WATSON was indicted for feloniouſly ſtealing, on the 25th of January, a piece of linen cloth, value 6d. and two bolts, containing 70 yards of canvas, value 4l. the property of James Broughton.

JAMES BROUGHTON *ſworn.*—I am a ticket-porter, and work at Holborn-bridge: On Thurſday the 25th of January, I loſt the property in the indictment, I was not with it when it was loſt; I delivered it to John Doman, about three o'clock in the afternoon.

Q. You are reſponſible for theſe goods to your employer?—*A.* Yes.

JOHN DOMAN *ſworn.*—I work for James Broughton; on the 25th of January, I unloaded Mr. Briant's waggon, at the Swan, Holborn-bridge; I aſked the carman if he would let me put three truſſes into his waggon, he was going down to St. Catherine's, he agreed to take them for 6d. I got into the waggon at Holborn-bridge, and I remained

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in it, till it got to the top of St. Catherine's-lane, the other ſide of Tower-hill; I then turned the truſſes up on the end, and I took one truſs, and the carman took another, down the lane, to Mr. Jenkins's; as I returned, we met the boy, that we left in the care of the waggon, coming to tell us, that ſome man had taken away the other truſs, we then purſued him, and took him the corner of Princes-ſtreet, Roſemary-lane, it was the priſoner at the bar; I took him by the collar, and ſet him down upon the truſs, he had dropped the truſs cloſe to where I took him; he begged and prayed for God's ſake I would horſewhip him, and let him go about his buſineſs; I told him he ſhould have juſt what the law would allow; a witneſs that is here put the truſs into a Mr. Coleman's ſhop, and in a quarter of an hour after, I went back and ſaw the ſame truſs in the ſhop, I knew it to be the ſame truſs by the marks upon it; I then took it to Goodman's-fields, it is marked W. Plowman, I am poſitive it is the ſame truſs that I received from James Broughton. *(Produces it.)*

SAMUEL BAKER *ſworn.*—I am a carman; I went with a load of flax from Holborn-bridge, and Doman ſaid, he would give me ſix-pence to carry three truſſes; I took one of them upon my ſhoulder, and Doman another, to carry down to Mr. Jenkins's, we left James Gordon to take care of the waggon; when we returned, the boy told us a man had taken the whip from him, and taken the truſs out of the waggon, we went after him and took the priſoner the corner of Princes-ſtreet, Roſemary-lane, the truſs was upon the ground, about three or four yards from him, he had juſt got paſt it as we came up and ſtopped him, and a witneſs here took it into Mr. Coleman's ſhop; I know it to be the ſame truſs by the mark upon it; I took it to the Juſtice's office, the priſoner begged of me to horſewhip him, and let him go; I ſaid, what, I have got you, have I, you have pitched it round the corner.

James Gordon called.—*Q.* Do you know your catechiſm?—*A.* Yes.

Q. Do you know what will become of you, if you tell a ſtory?—*A.* I ſhall go to the naughty man, *(ſworn;)* I am turned of eleven years of age, a good while ago, I cannot recollect what day it was; I was coming home to my father's, about three or four in the afternoon, and Mr. Baker ſaw me, and aſked me to mind the waggon, I knew Mr. Baker before; I was ſtanding with the waggon, and that man at the bar came, and aſked me, what I did there; he told me to go along, he took the whip out of my hand, and ſaid, he would flog me, if I did not go along; he made me go paſt the ſilverſmith's, then he took the truſs from out of the tail of the waggon, and went away with it, then I run after Mr. Baker, and Mr. Doman, and told them of it; they went after him, and I went back to the waggon, I ſaw him again the ſame evening at the Juſtice's.

BENJAMIN LEVY *ſworn.*—I am a ſaleſman; I ſaw the priſoner coming along with this truſs upon his ſhoulder; about five minutes after that, I ſaw him ſhewing it to another man, they both walked away, and left the truſs, they went into a public-houſe two doors from me, then I ſaw Baker and the carman come running quite out of breath; I told them, if they ſtopped one minute, they would ſee the man, and juſt then, the priſoner came out, and I ſaid, that is the man, I took the truſs into Mr. Coleman's ſhop, which is next door to me.

Doman. I carried the truſs to the Juſtice's from Mr. Coleman's, and it was left at the Juſtice's till Tueſday, and then I carried it to our warehouſe, at the Swan, Holborn-bridge, and left it in the care of James Broughton.

Broughton. It has been in my care ever ſince.

Priſoner's defence. I had been with ſome meſs-mates, and got much intoxicated in liquor; I know nothing at all of it, I don't know where the gentleman took me up.

The priſoner called two witneſſes, who gave him a good character. GUILTY (Aged 27.)

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury, before Mr. RECORDER.

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162. THOMAS BROWN THURGOOD and JOHN LLOYD were indicted for feloniouſly ſtealing, on the 31ſt of January, a Wilton carpet, value 3s. four pieces of carpet, value 5s. and a pair of leather boots, value 2s. the property of Clement Mead.

CLEMENT MEAD *ſworn.*—I loſt ſome carpeting on the 31ſt of January from a room adjoining my dwelling-houſe, and ſome from the dwelling-houſe; I received ſome information that they were at a public-houſe; there was a ſale in my houſe, and this carpeting was to have been ſold the next day.

(—— Randall produced the carpeting.)

—— FISHER *ſworn.*—I was ſent for to apprehend the two priſoners, on the 31ſt of January, at the Valiant Trooper, on ſuſpicion of their ſtealing this carpeting, Mr. Randall gave me charge of it, I did not think it was ſtolen; Lloyd ſaid it was his property, I did not take charge of them at that time; I went home, and in about three quarters of an hour I was fetched again, and I went to Mr. Mead's houſe, No. 23, Charlotte-ſtreet; the carpeting was afterwards removed to the Northumberland-arms; while I was at Mr. Mead's, Mr. Randall fetched it there, and Mr. Mead gave me charge of the two priſoners.

Mr.

Mr. Knapp. You had not opened it at the Valiant Trooper?—*A.* No.

—— RANDALL *ſworn.*—Two of theſe pieces I can ſpeak poſitively to, from having ſeen them in the houſe.

Q. Whereabouts is the value of theſe two pieces?—*A.* I cannot ſpeak to the value.

Mead. They are my property, thoſe two pieces are worth about three half-crowns.

Randall. They were brought to the Valiant Trooper by the priſoner Lloyd; he had been working at the ſale, and I ſuſpected him; I heard him deſire the landlord to take care of that carpeting.

Croſs-examined by Mr. Knapp. What are you?—*A.* A broker.

Q. Were you employed by Mr. Mead?—*A.* No.

Q. There was a ſale the next day?—*A.* Yes.

Q. What is Mead?—*A.* A builder.

Q. Were you preſent at the ſale the next day?—*A.* No, I was not; I ſhould have been, if it had not been for this buſineſs.

Q. Had you ſeen that carpeting before?—*A.* Yes; I had aſked the priſoners how far this carpeting would reach, and they ſaid to the top of the ſtairs; they were employed by Mr. Roper, the auctioneer, to work at the ſale.

Q. Is Mrs Mead here?—*A.* No.

Mr. Knapp. *(To Mead.)* *Q.* There was a ſale at your houſe the day after this happened?—*A.* Yes.

Q. Was there any carpeting given to any of the porters, for the purpoſe of beating?—*A.* No, this carpeting did not belong to the ſale at all; they had attempted to ſet up that as an excuſe, but it was not ſo.

Q. Can you ſwear to it, from the pattern?—*A.* From the uſe of it, and the pattern; I have the ſame patterns at home now.

Q. They are a very common pattern?—*A.* Yes, they are.

MARY-ANN BARNARD *ſworn.*—The priſoner, Thurgood, brought a ſmall carpet to me, on the 30th or 31ſt of January, I cannot ſay which.

Mead. This is the carpeting that I found at Mrs. Barnard's; it is my property.

The priſoner, Lloyd, called Andrew James, who had known him four years, and gave him a good character.

Thurgood, GUILTY (Aged 29.)
Lloyd, GUILTY (Aged 48.)

Confined ſix months in the Houſe of Correction, and fined 1s.

Tried by the firſt Middleſex Jury, before Mr. Juſtice ASHHURST.

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163. WILLIAM CHANTLER was indicted for feloniouſly ſtealing, on the 10th of February, a ſwanſdown waiſtcoat, value 2s. the property of Thomas Grainger.

THOMAS GRAINGER *ſworn.*—I live in Fox-and-hound yard, Park-lane: I work in ſtables; I loſt a waiſtcoat laſt Sunday morning, while I was gone to breakfaſt; I had left it hanging upon ſome pegs at the further end of the ſtable; I was foreman over the men that were at work there; when I returned, I miſſed the waiſtcoat; I found it at a pawnbroker's, in Chandleſs-ſtreet, Groſvenor-ſquare, between one and two o'clock the ſame day; the priſoner had been, two days before, to the ſtables to aſk for employ, but he was not employed; I had employed an officer, who had apprehended him, with the duplicate of the waiſtcoat upon him.

WILLIAM PRICE *ſworn.*—I attend the Marlborough-ſtreet office: On the 10th of this month, between twleve and one, the proſecutor told me he had loſt his waiſtcoat, and I went with him to Calomel-buildings; I deſired the proſecutor to go up firſt, and if I found that he anſwered to his name, I would be at his heels inſtantly; he aſked if William was at home, and I heard the anſwer, yes; I ſtepped up immediately, and ſaw the priſoner aſleep in a chair; the proſecutor gave we charge of him; I then ſaid, William, waken, I muſt ſee what you have got about you; upon that he got out of the chair, his back was to the fire-place; I put my hand into his waiſtcoat pocket, unbuttoned his breeches, and ſaid you may ſee every thing; he then put his hand into his fob, and pulled out a duplicate; he endeavoured to throw it into the fire; I perceived it, and the duplicate dropped down at his feet; I ſaid, thoſe things will not do with me, my eyes are as quick as your's; I then picked it up, and took him to the pawnbroker's, in Chandleſs-ſtreet; the pawnbroker produced the waiſtcoat, and it was ſworn to by the proſecutor.

PHILIP MULCASTER *ſworn.*—I am a pawnbroker: The priſoner brought me this waiſtcoat about ten in the morning, he told me his name was John Williams, that he lived in Charles-ſtreet; I lent him one ſhilling and ſixpence upon it, he aſked two ſhillings and ſixpence. *(Produces the waiſtcoat).*

Grainger. This is my property, I know it by the make, and the colour of it; I had it given me by a gentleman, as a caſt-off waiſtcoat; I have had it about three quarters of a year; I can ſwear that that is the waiſtcoat that I left in the ſtable.

Priſoner's defence. I went to ſee a young man that works with this gentleman, and as I was coming away, the young man came out into Park-lane, and gave me a handkerchief to carry to his waſherwoman; I went home directly, down Brick-ſtreet, Piccadilly; I met a young man, an acquaintance of mine, who aſked me to pawn this waiſtcoat for him, and he would give me a pot of beer, and I did pawn it for one ſhilling and ſixpence; I took him the money, and offered him the duplicate, and he would not have it, he told me I might keep it

for

for myſelf; when theſe gentlemen came to take me, they wreſted the door open; I was going to give them the duplicate, and it jumped out of my fingers; I had no intention of throwing it in the fire.

GUILTY (Aged 24.)

Confined ſix months in the Houſe of Correction, and fined 1s.

Tried by the firſt Middleſex Jury, before Mr. Baron THOMPSON.

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164. WILLIAM BOWMAN was indicted for feloniouſly ſtealing, on the 24th of December, two cloth jackets, value 2s. a cloth waiſtcoat, value 6d. and a pair of cotton ſtockings, value 6d. the property of Henry Tovey.

HENRY TOVEY *ſworn.*—I live at No. 26, Clement's-lane, Clare-market, I am a ſawyer: On the 24th of December, I was going down to Brentford, and the priſoner plied me in Piccadilly; I agreed to give him fifteen pence; the priſoner did not drive, but he got upon the box with the coachman, and when I got down, I forgot my bundle, and they went away with it in the boot; I followed the coach to the King's Arms, in Old Brentford; I aſked the coachman for the bundle, and he ſaid he had ſeen none, and I had not any; the maſter of the coach and the coachman both abuſed me very much; I told him I would fetch an officer, which I did, and went to the priſoner's lodging, and there was the bundle upon the table; I gave charge of him to the conſtable.

EDWARD WARREN *ſworn.*—I am headborough of Brentford; I went to the priſoner's lodgings, and found this bundle upon the table; I aſked the proſecutor if that was his, and he ſaid, yes; I aſked the priſoner how he came by it, and he ſaid he had brought it away by miſtake; I conveyed him to to the cage. *(Produces the bundle).*

Priſoner. I aſked him if he had any commands with me, and he ſaid, no, and went away, and then came back again in a few minutes.

Proſecutor. Theſe are my property; I know them by the buttons; they are my child's cloaths.

CHARLES TOVEY *ſworn.*—I know nothing of it, any further than aſſiſting to bring the priſoner to the cage.

Priſoner's defence. I came to town on the 24th of December on an errand for my landlady; on returning, ſeeing the proſecutor and his child, I plied them; I put the child into the coach myſelf; and, knowing that Mr. Tovey was brother to Mr. Charles Tovey, at Brentford, I thought I would take care of the bundle myſelf; my landlady was not at home; I went where ſhe was, but would not ſtop, becauſe I wiſhed to deliver the bundle, and I was then taken into cuſtody.

For the Priſoner.

ELIZABETH GOLDER *ſworn.*—The priſoner lodged with me going on two years, he bears a very good character.

ELIZABETH DRUMMOND *ſworn.*—I live with Mrs. Golder: The priſoner came in from London with the coach, the landlady was not at home, he ſaid, he was very cold, he ſat down by the fire; he had a parcel in his hand, he ſaid, it was a parcel belonging to a man up the town, a little way; he did not mention the man's name, and ſaid, he would go and deliver it; it had nothing round it, it was only pinned; Charles Tovey lives beyond our houſe a good way.

Golder. Upon the conſtable and the proſecutor coming in, they aſked for the parcel, upon which the priſoner, inſtead of ſaying, there is your parcel, take it, and go away, he aſked what parcel? and when they took him into cuſtody, the proſecutor ſaid, are not you a good-for-nothing fellow? he ſaid, for what? why did not you promiſe to take care of my parcel? he ſaid, no, I am not the man and perſiſted in it that he was not the man that pretended to take care of the parcel.

NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. Juſtice ROOKE.

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165. FRANCIS CHEVALIER was indicted for feloniouſly ſtealing, on the 17th of January, a glaſs coach, value 12l. the property of John Jones.

JOHN JONES *ſworn.*—I keep a coach-maker's ſhop: The priſoner came to me on Saturday, the 13th of January, and aſked for a glaſs coach for two or three days, or a week or a fortnight; there was no ſtated time; he ſaid, he wanted it to let out to a gentleman in Whitecroſs-ſtreet; he gave me his direction, *(producing it)*; it is in his own handwriting; he ſaid, he lived formerly with Mr. Daniels, in Fetter-lane, that he uſed to hire carriages of the perſon who had the premiſes before I came on to them; he ſaid, he was in buſineſs for himſelf now; he came again in the afternoon, and had the coach away, I was not at home; he called again on Monday evening after, and ſaid, he ſhould keep it longer; I was not at home then; I heard no more of him till Wedneſday, the 17th; on Mr. Wedneſday, I heard that the coach was ſold to Leader, in Well-ſtreet, Oxford-ſtreet, Mr. Leader came to me to give me information of it; Mr. Leader had not been gone above half an hour, before the priſoner came in and told me that I muſt not expect it home yet, the gentleman would keep it a fortnight longer; I aſked him then where the coach was, and he ſaid, it was in the City; I told him I ſhould wiſh to ſee the coach, for I was afraid the wheels were very bad; we went along Oxford-road,

road, and juſt as we got to Mr. Leader's, as if we were going into the City, he turned about and run away; I called out, and a man ſtopped him, and he was taken to Mary-le-bonne watch-houſe.

Q. What may the value of it be?—*A.* About twelve pounds.

WILLIAM LEADER *ſworn.*—I am a coach-maker: The priſoner came to our houſe, on Monday, the 15th of January, and aſked if we bought left-off coaches; I told him, we did, ſometimes; he ſaid, he had got one to ſell, and aſked me to go and look at; I aſked him where it was; he ſaid, in Burleigh's-gardens, Old-ſtreet; he ſaid, he had had it about two years, and had ſerved it on a job a year and three or four months; he ſaid, it had been ſtanding four months in an open cart-yard, and only had a three days job for it; he aſked me when I would come to look at it; I told him, we were going to Windus's, and then we would call, but it was uncertain when; and then he went away; he came again in about two minutes, and ſaid, if I had a mind, he would bring it up next morning to our houſe in Wells-ſtreet, Oxford-road; the next morning it was brought in a cart; he told me, he had brought the coach; I told him, if he would leave it till next morning, I would ſpeak to my father, and he ſhould have an anſwer; he appointed me to meet him the next morning, at the Six Clerks office, Chancery-lane; I met him there; he aſked me what was the moſt I would give; I told him, ten pounds; he ſaid, I ſhould ſpend a ſhilling then; and I ſaid, I was not ſo near as that; I then gave him a guinea earneſt, and he agreed to call upon us on Friday, for the reſt; then we went to a public-houſe juſt by, and had a ſhillingſworth of wine and water; I aſked him what gentleman he had ſerved with the job, for a year and three months; he ſaid, the gentleman was dead; he ſaid, he bought the coach of one Old Howiſon, in Old-ſtreet-road; he ſaid, he was dead too; I aſked him what he was, at the Six Clerks-office, and he ſaid, he was bag-bearer, that he had about eighty pounds a year; and he ſaid, he had candles and lodging found him; he ſaid, he had another way of getting money, he gave out writing, and paid a halfpenny for fifteen lines, and got a penny for it; and then we parted; I made enquiry the next day, and found the coach was Mr. Jones's, and I went to him.

Priſoner. I did not ſell him the carriage.

Leader. He ſold it to me, and was to call for the remainder of the money, on Friday; I ſhewed the coach to Mr. Jones, and he owned it.

Jones. I knew this to be my carriage by the two black ſupporters to the arms; the carriage was blue, and one black wheel the off ſide before, and another broke; the other wheels were blue; the lining had the ſame arms upon it.

Leader. The carriage I ſhewed to Jones was the ſame that I had from the priſoner.

Priſoner's defence. I had this carriage of Jones for a job; I wanted a little money upon it, Mr. Leader told me, he would give me ten pounds for it, and I ſaid, I would not ſell it; they took my watch from me; I did not know of my trial coming on, or elſe I could have had plenty of gentlemen to ſpeak for me from Chancery-lane.

GUILTY (Aged 19).

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury, before Mr. RECORDER.

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166. JAMES CHANDLER was indicted for feloniouſly ſtealing, on the 6th of February, two ſhillings, the property of Samuel Robins.

SAMUEL ROBINS *ſworn.* — I am a ſoldier in the firſt regiment of Foot Guards: Yeſterday was a week, the 6th of February, between four and five in the evening, I loſt two ſhillings out of my jacket; I went to the public-houſe, the Swan, in Tothill-ſtreet, I put my hand in my pocket to pay for my beer, and I miſſed my money; ſome time before I miſſed it, I detected Chandler's hand in my pocket; we were ſitting together; I aſked him if he was going to pick my pocket, I did not ſuppoſe that he was, though he made me no anſwer; as ſoon as I miſſed it, I aſked him for it; upon that, he pulled the money out of his pocket, two ſhillings and ſome halfpence; there was a ſhilling with a particular mark upon it; I got a conſtable immediately; I told him, one of them was mine, and he ſaid, it was not.

Q. Did you tell him you were going for an officer?—*A.* No, I did not; I went firſt to my pay-ſerjeant; when the officer came, he found two ſhillings and ſome halfpence, which were taken from him; the officer has got one of them now.

Q. What was the mark upon the ſhilling?—*A.* A dent on one ſide of it, it was quite a plain ſhilling, I could not diſcover head or tail upon it. The priſoner is in the ſame regiment.

Q. Were there any other ſoldiers in the box at the time?—*A.* Yes, two or three.

Q. Can you ſwear that it was his hand that was in your pocket?—*A.* Yes, I can.

JOHN BALL *ſworn.*—I am conſtable of St. Martin's pariſh: I was ſent for to take charge of the priſoner; the proſecutor charged him with picking his pocket, I told the priſoner what the charge was, I ſearched him, and found two ſhillings and ſome halfpence; one of the ſhillings was picked out immediately, and ſworn to by the proſecutor; he ſaid, there was one that he could ſwear to, that he had ſeen in his pocket; I have kept it till now; the other was what they call a South-Sea ſhilling, with

two

two SS upon it, the profecutor would not fwear to that.

Prifoner's defence. I never touched his pocket; there were feveral other foldiers in the box at the fame time; and he had been with feveral girls not half an hour before.

NOT GUILTY.

Tried by the firft Middlefex Jury, before Mr. RECORDER.

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167. CATHERINE HUGHES was indicted for feloniouſly ſtealing, on the 24th of January, a ſwanſdown waiſtcoat, value 2s. and a linen ſheet, value 4s. the property of Charles Cliffe.

CHARLES CLIFFE *ſworn.*—I keep the Carved Red-lion, at Iſlington: On Thurſday, the 24th of January, between twelve and one o'clock, I was in the tap-room, and was informed there was a woman in the yard, among the linen, with ſome things in her apron; I purſued her, and ſhe let them fall; I kept following her, and brought her back to the houſe; ſhe had not got above twenty yards, ſhe was never out of my ſight; I ſent for an officer, ſhe was taken to Hatton-garden, and committed; the conſtable has got the things.

(The conſtable produced the property, which was depoſed to by the profecutor).

Prifoner's defence. I went to the privy, and as I came out, this gentleman laid hold of me; I did not touch any of the property.

GUILTY of ſtealing to the value of 10d.

Confined ſix months in the Houſe of Correction, privately whipped, and diſcharged.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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168. ROSANNA WILKINSON was indicted for feloniouſly ſtealing, on the 24th of January, a leather purſe, value 2d. a guinea, a crown piece, ſeven ſixpences, and one ſhilling, the property of George Milne.

GEORGE MILNE *ſworn.*—I keep a public-houſe in Norton-falgate: On the 24th of January, my wife miſſed a purſe, I was not at home; when I returned home, the priſoner was in cuſtody; I ſhall know the purſe when I ſee it, I ſaw it before the Magiſtrate, in the hands of Thomas Smith, that was on the Monday following; the priſoner had been ſervant in the houſe about two days.

MARY MILNE *ſworn.*—I loſt my purſe between the 23d and 24th of January; I had given a gentleman change the evening before, between ten and eleven o'clock, I think it was Wedneſday, and to the beſt of my knowledge, I had not the purſe out of my pocket again till I miſſed it; I had both gold and ſilver in it; I looked every where that I could think of for it; I aſked the girl if ſhe had ſeen any thing of it; ſhe ſaid, ſhe had not; I begged that ſhe would look every where for it; ſhe told me ſhe had, and could not find it; I then diſcharged her, and as ſhe was going away, I took her into a parlour, and told her, I muſt ſearch her; ſhe refuſed, and ſaid, I ſhould not ſearch her; ſhe ſaid, ſhe was ſorry it was loſt, and hoped it would be found out who had it; I ſent for a conſtable, and while the conſtable was gone for, ſhe gave me the purſe; ſhe ſaid, ſhe found it upon the tap-room table; ſhe ſaid, ſhe would have given it me before, but there was not ſo much money in it as I had ſaid, and ſhe was afraid I ſhould think ſhe had ſtole it; ſhe was then taken to the office; Mr. Smith, my lodger, has got the purſe and the money.

Q. Whoſe purſe is it?—*A.* It is mine; I believed it to be mine when I received it from her; it contained the money mentioned in the indictment.

THOMAS SMITH *ſworn.*—I ſaw the priſoner turn her pocket inſide out upon the table; ſhe ſaid, there was all ſhe had; I ſent for a conſtable; among the things that ſhe pulled out, was a ſixpence marked S. W. her miſtreſs ſaid, this ſixpence was in my purſe, I can ſwear to it; ſhe ſaid, I am ſure you have got my purſe; the miſtreſs cried very much, and ſhe dropped the ſixpence; the girl then pulled out ſomething like a night-cap, and undoubled it, and took the purſe out of it, ſhe held it to her miſtreſs, and ſaid, here it is; and ſhe took it out of her hand, and gave it to me; I told the money out before them, there was a guinea, a crown piece, ſix ſixpences, and a ſhilling; the girl that I ſent, could not get a conſtable, and I went myſelf to the office for one; I have had the purſe and the money ever ſince.

Q. (To Mrs. Milne.) Is there any money amongſt it that you can ſwear to?—*A.* I did not ſay I could ſwear to it; I had that ſixpence in my poſſeſſion, but I cannot ſay it was in my purſe, I had taken it that day. *(The purſe and money produced).*

Q. Did you obſerve what the letters were?—*A.* I made ſome remark upon it, but I cannot tell what now.

Q. Did you ſay immediately, upon ſeeing it, that that was your ſixpence?—*A.* I did.

Q. Did you put all the money that you took that day, into your purſe?—*A.* I cannot ſay that I did; ſhe ſaid ſhe had found the ſixpence upon the tap-room floor, and afterwards upon the table, I might have pulled it out with my handkerchief.

Q. Did ſhe ſay ſhe found the ſixpence, or the purſe, upon the tap-room table?—*A.* Both.

Q. Where did you keep your pockets at night?—*A.*

—*A.* Under my pillow; the priſoner ſlept in the ſame room that night, in another bed, my huſband was not at home, I was not diſturbed.

Smith. The evening before, I gave Mrs. Milne a crown-piece to change for me, but I did not take particular notice of it.

Proſecutor. I know nothing of the money, the purſe I have worn for ten years myſelf, I know this to be my purſe.

Q. (To Mrs. Milne.) Had you ever told this girl how much you had loſt?—*A.* Yes; I told her, I thought there were two guineas and a half in gold, and fifteen or ſixteen ſhillings in ſilver, I don't know, really, how much there was.

Priſoner's defence. I found the purſe under the tap-room table, and gave it to my miſtreſs, with every farthing in it as I found it.

The priſoner called two witneſſes, who gave her an excellent character.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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169. WILLIAM SHEPPARD and MARY SHANNON were indicted for feloniouſly ſtealing, on the 1ſt of February, a Bank-note, value 10l. another Bank-note, value 10l. another Bank-note, value 5l. and four other Bank-notes, each of the value of 1l. the property of the Rev. John Hedley.

Rev. JOHN HEDLEY *ſworn.*—I live at Belgrave-houſe, in Five-fields, Pimlico; I received, on the 1ſt of February, two Bank ten pound notes, one five, and four ones, and gave them to my wife, as I received them of different perſons in the courſe of the day; I have never ſeen any of them ſince, the laſt that I gave her was between four and five in the afternoon, it was a one pound note.

Mrs. SARAH HEDLEY *ſworn.*—On the 1ſt of February, I received from Mr. Hedley, two ten pounds, one five, and four ſingle pound notes, at different times in the day, I received the laſt of them about a quarter before five in the afternoon; I folded ſix of them up, and put them into a leather purſe; the ſeventh note, which was the laſt that I received, I put in ſingle, with caſh; I put that into the ſame ſide of the purſe with the other; I went into the kitchen about five o'clock, as near as I can gueſs, I was going to ſend my ſervant, Mary Shannon, of an errand, and I could not get at the caſh conveniently, without taking the notes out; I took out all the notes and laid them on the end of the kitchen dreſſer; I gave Mary Shannon half-a crown, I told her what to bring in, I locked the purſe, and put it in my pocket, neglecting to take up the notes; I left the kitchen, with nobody there but Mary Shannon, and William Sheppard, he was placed there at that time, with an execution, it was near ſix o'clock before I recollected that I had not got my notes; I immediately returned to the kitchen, and found the two priſoners there, the notes were gone; I aſked Mary Shannon, if ſhe had ſeen thoſe papers that I had left upon the dreſſer, ſhe ſaid, ſhe had not; I aſked the man the ſame queſtion, and he ſaid he had not; I told them, I really had left ſome Bank-notes there, and I begged them to ſearch their pockets to ſee if they had not taken them up by miſtake, they both emptied their pockets, and declared they had never ſeen them; Mr. Hedley and myſelf then ſearched the kitchen, and we were adviſed, by a friend, to ſend for a conſtable, which we did, and the conſtable ſearched him, he is not here; I ſearched the girl at the ſame time, but could find no notes; Mr. Hedley told her, ſhe ſhould go to the watch-houſe, ſhe was ſent to the watch-houſe that night, and the man the next morning, they were both examined before the Juſtice, in Great Marlborough-ſtreet, where they declared their innocence.

Q. Who had been in the kitchen in the mean time, you do not know?—*A.* I aſked them, if any body elſe had been in the kitchen, and the man immediately ſaid, he had not been out; my ſiſter had been down in the kitchen juſt before, for a plate of bread and butter, ſhe had aſked me, if ſhe ſhould aſſiſt the ſervant in getting the tea, and I had told her to go; I followed her immediately to take ſome better tea things from the parlour to the kitchen; I had not then miſſed my purſe; I took thoſe things off the tea-board, and placed the others on; Mr. Hedley then came into the kitchen, and aſked me for my purſe, I gave it to him unopened.

Q. Had you opened it in the mean time?—*A.* Yes, I had; the priſoner Shannon came to me, and told me, I had given her a French half-crown, I was then in a room where the children were dancing; I went out into a dark paſſage, and opened my purſe to give her another, but I did not then take notice of it, I was engaged with company, that was within a quarter of an hour after I had given her the firſt half-crown; I afterwards went into the kitchen, Mr. Hedley aſked me for my pocket-book, which I gave him unopened, he took it up ſtairs, and immediately returned, and aſked what I had done with the notes, I immediately recollected leaving the notes on the dreſſer; I then returned to the kitchen, and then it was that the converſation took place with the priſoners, that I have before related.

Q. Had the woman priſoner been out, and brought in the articles for which you had ſent her?—*A.* Yes, ſhe had.

Q. Have

Q. Have you any particular recollection of what part of the dreſſer you left them on?—*A.* Yes; the end of the dreſſer, at the entrance of the kitchen.

Sheppard's defence. I have been employed as a man going into poſſeſſion; I have been in poſſeſſion of very large property; I never ſaw any of the notes, and when I was detained all night, the conſtable came to me, and after a ſearch was made, they made me pull every thing off but my ſhirt; he ſaid, I muſt go to the watch-houſe; I had only come in the day before; I gave Mr. Hedley a direction to go to Mr. Clark, the officer that employed me, in Furnival's-Inn-court, in Holborn; Mr. Hedley ſaid, I ſhould ſleep there all night, which I did, and I breakfaſted there, and a man came from Mr. Clark's to be there in my room.

Q. *(To Mr. Hedley.)* How long had that man been there?—*A.* The day before.

Q. He was no acquaintance of your ſervant's?—*A.* No.

The priſoner, Shannon, put in a written defence, which was read, as follows:

Your petitioner lived five months ſervant to Mrs. Hedley, in Belgrave-place, and during that period received the approbation of her employer, never having had the ſmalleſt reflection upon her character, till through ſome misfortune, which your humble petitioner knew not, an execution took place, and the proper officer was put in poſſeſſion; the next evening Mrs. Hedley came into the kitchen, the officer ſitting there, and taking out her pocket-book gave your petitioner a French half-crown for ſome butter, which the ſhop-keeper refuſing, I brought it back and gave it my miſtreſs, who was then up ſtairs; I went up ſtairs, and received another, in the dark, out of the ſame pocket-book, from my miſtreſs, I then went again to the ſhop; ſoon after my miſtreſs's ſiſter came down to help get the tea; ſoon after that, Mrs. Hedley came down, and ſaid, ſhe was ruined, and ſhe deſired me to turn out my pockets; ſhe ſaid, ſhe had left upon the dreſſer, although it muſt be obſerved ſhe had taken the ſame pocket-book out up ſtairs in the dark; I ſubmitted to be ſearched, and nothing was found upon me; the officer next underwent the ſame, and they would have hurried the officer out of the houſe, perhaps for a private purpoſe, but he refuſed till another man came in his room; I was removed to Mount-ſtreet watch-houſe, where I was again ſearched, notwithſtanding there was no woman there, and your petitioner's prayers and entreaties to the contrary, repreſenting the cruelty and indelicacy of the action, I was ſtripped even to my linen before Mr. Hedley, and nothing found upon me; your petitioner now ſtands trembling before this auguſt tribunal, and begs your Lordſhip will weigh her caſe with benevolence and humanity, and conſider whether Mr. Hedley would ſuffer an execution to be put into his houſe having near thirty pounds in his wife's pocket, when his credit muſt ſuffer, and his new inſtituted ſchool be ruined without appropriating it to that purpoſe; I had a good recommendation for a character to my place, I declare my innocence, and humbly intreat that your Lordſhip's benevolence will diſcover, that through the whole of her unhappy caſe, ſhe is perfectly innocent of the preſent charge.

Both NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. Baron THOMPSON.

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170. HENRY GRIFFITH was indicted for feloniouſly ſtealing, on the 5th of February, a wooden box, value 2s. two cloth coats, value 40s. a velveteen coat, value 30s. a ſeal-ſkin waiſtcoat, value 15s. two linen ſhirts, value 7s. a pair of leather ſhoes, value 2s. two horſe-whips, value 5s. five pair of cotton ſtockings, value 5s. five pair of worſted ſtockings, value 5s. a wooden bowl with a ſilver rim, value 2s. two pair of velveteen breeches, value 10s. and a pair of cloth breeches, value 2s. the property of Samuel Williams.

SAMUEL WILLIAMS *ſworn.*—I live at Uxbridge, I am foreman to Mr. Oſborne's coal-wharf: On Monday, the 5th of this month, I packed up a box, containing the things mentioned in the indictment, to go by the waggon; the goods were packed up by my wife and ſiſter, and I nailed up the box at Uxbridge; I received them from a man of the name of Jones, a brother-in-law of mine, ſome time ſince Chriſtmas, they were to be kept by me till they were ſent for; I know what moſt of the things were: there was a velveteen coat, a black coat, and another coat that I don't know the colour of; ten or a dozen waiſtcoats, a ſeal-ſkin one among them; two ſhirts, a pair of ſhoes, and ten or a dozen pair of ſtockings, a bowl with a ſilver tip, like a ſugar-bowl; three pair of breeches, two pair velveteen, and one black; I faſtened up the box on Sunday the 4th of February; I took it on my back and put it into Mr. Harland's waggon, which ſtood juſt by my door, he goes from Uxbridge to London; it was directed for Robert Williams, grocer, Cheſter; it was to go from London by the coach, the waggoner's name is James Harris; I ſaw the box again at Bow-ſtreet the next day; I ſhall know the things when they are produced; I wrote the direction upon the box.

JAMES HARRIS *ſworn.*—I drive Mr. Harland's waggon: On Monday, the 5th of this month, I received the box at my maſter's houſe; I came into London about five o'clock, it was then duſk; I unloaded

loaded fifteen ſacks of flour in King-ſtreet, Seven-dials, the box was put in the front of the waggon; I ſet off from there to go to Ruſſell-ſtreet Covent-garden, and going out of Long-acre, at the top of Bow-ſtreet, I ſaw a man go away from the hinder part of the waggon with a box, I went after him, and caught hold of him, he was going up Hart-ſtreet; I told him, I believed he had ſtole that box out of my waggon; he ſaid, no, he had not, he believed it fell out; a gentleman, on the other ſide of the way, told me to hold him faſt; the gentleman then came up, and caught hold of him by the other ſide, and took him to a houſe; we took the box along with us, it is here; it was delivered to me laſt night by the officer, he is not here.

Q. Could it have fell out of the waggon?—*A.* No; it was ſo placed that it could not, without ſomebody had moved it.

Croſs-examined by Mr. Matthews. Q. Where was this box placed?—*A.* Upon the fore-part of the waggon, at the top of the flour; I had put it there in the morning.

Q. Had not you moved it when you got it to King-ſtreet?—*A.* No, I had not.

Q. You had come a conſiderable diſtance over the ſtones, had you not?—*A.* Yes.

Q. How many horſes had you to your waggon?—*A.* Eight.

Q. And you were by the ſide of your horſes, driving?—*A.* Yes.

Q. It was very dark at the time, was it not?—*A.* Not very dark, nor very light.

Q. What time was it?—*A.* About ſeven o'clock.

Q. It was poſſible it might have been ſhook out of the waggon, you having come a conſiderable diſtance over the ſtones?—*A.* I ſaw that box very ſafe in King-ſtreet; it was put ſo that it could not ſhake out.

Court. Q. How is the tail of your waggon ſecured?—*A.* By what we call a crutch, put up behind.

Court. Q. Would that prevent the box from tumbling out?—*A.* Yes, it would.

Court. Q. Was it a tilted waggon?—*A.* Yes.

—— LEVERTON *ſworn.*—On the 5th of February, about ſeven o'clock in the evening, I was walking through Broad-court, at the weſt end, joining to Bow-ſtreet, and a waggon was paſſing by at that inſtant, I ſaw the priſoner cloſe to the tail of the waggon falling, with the box, either upon his head or ſhoulder; it did not occur to me that he had ſtole the box at that time, I ſuppoſed he might be ſome porter who had taken an opportuity of reſting his box on the waggon a little; ſeeing him in that ſituation, I ſtopped in the middle of the ſtreet, and expreſſed my fears that he was hurt, as he had had a deſperate fall, he was then lying upon the ground; he ſaid he was not hurt, and immediately took the box upon his ſhoulder, he was going away with it up Hart-ſtreet, and immediately oppoſite the office-door belonging to the Theatre, the waggoner ran up to him, caught him by the collar, and ſaid, you have ſtolen this box from my waggon; in conſequence of the man making that declaration, I helped to detain him; the priſoner made great reſiſtance, ſo much ſo, that his coat was nearly torn off; he ſaid, he had found the box, and had not ſtole it; I inſiſted upon taking him into the office of the Theatre, when a conſtable was ſent for from Bow-ſtreet, and he was taken there; when the waggoner gave the ſame evidence that your Lordſhip has heard this morning, and he was committed. *(The box produced).*

Williams. This is the box, the direction upon it is in my own hand-writing; this bowl with a ſilver top, I remember very well; and this blue coat and waiſtcoat, and breeches, and the velveteen breeches, two ſhirts, velveteen coat, ſeal-ſkin waiſtcoat, and two whips; I am ſure they are the ſame.

Priſoner's defence. My Lord, and Gentlemen of the Jury, My Counſel, I underſtand, is not here, or has not exerted himſelf, in defending me with reſpect to the charge laid againſt me.

Court. You do yourſelf no credit by that obſervation, your Counſel has done all that could be done for you.

Priſoner. My Counſel has ſo far defended me, I truſt, as fully to ſatisfy your Lordſhip and this honourable Court, that I am innocent of the charge of felony; I do not pretend to ſay, contrary to truth, that I did not ſee the box, God forbid! I was coming down Broad-court that evening, on my way to St. James's market; I ſaw the box laying upon the cauſeway, and I took it up, as any innocent man might have done; my intention was no other than to take it to an adjacent houſe, and there advertize it for an owner.

The priſoner called three witneſſes, who gave him a good character.

GUILTY (Aged 37).

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury, before Mr. Baron THOMPSON.

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171. JOHN WOODEY and WILLIAM CATLING were indicted for feloniouſly ſtealing, on the 16th of January, 300 bricks, value 3s. the property of Samuel Scott, Eſq.

(The caſe was opened by Mr. Matthews.)

SAMUEL SIMS *ſworn.*—I am a patrol: In conſequence of information that Mr. Scott had loſt a great number of bricks, I was employed, with John Glover, to watch in the brick-field; on the 16th

16th of January, and about five o'clock in the morning, I was about twenty yards before Glover, I heard a noiſe, like the breaking of bricks; there is a bar that opens for the carts to go into the field; I placed myſelf directly oppoſite the bar, and in a few minutes I heard the noiſe of jack-aſſes coming down the field; I heard ſomebody cry out, what's o'clock, but no anſwer was made; I then perceived the aſſes coming out of the field loaded, the priſoners at the bar were driving them; I walked alongſide of them about one hundred and fifty yards; I firſt laid hold of Woodey, and Glover came up and laid hold of Catling; on examining the aſſes, I found them very heavy laden with broken bricks, quite dry, for the purpoſe of making brick duſt; we then took them to the watch-houſe.

JOHN GLOVER *ſworn*.—I am a patrol: I was in company with the laſt witneſs; I know no more than he does.

THOMAS MARLOW *ſworn*.—I look after Mr. Scott's brick-fields: I was called up on the 16th of January, and I went into my maſter's brick-fields, where I had put up the bricks all ſafe the night before; in the night there had been ſome rain, and I traced the aſſes feet round to where the bricks were taken from; I miſſed a great many dry bricks, three or four hundred at leaſt, I cannot pretend to to ſay how many; Sims ſhewed me the bricks that were taken from the priſoners, and they were about the ſame number. They are worth about two ſhillings per hundred; they ſpoiled as many as they took away; they threw away the wet ones, and took the dry ones.

Priſoner Woodey's defence. We were going to look for work, and we ſaw this rubbiſh thrown into the main road, and we thought we might as well take ſome of that; it was thrown there to mend the roads with, and the aſſes run into the field after they were loaded.

The priſoner, Catling, called Charles Drew, who had known him ſeven years, and gave him a good character.

Catling, GUILTY (Aged 21).
Woodey, GUILTY (Aged 19).
Of ſtealing to the value of 10d.
Confined ſix months in the Houſe of Correction, and fined 1s.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice ASHHURST.

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172. JOHN YOUNG was indicted for feloniouſly ſtealing, on the 6th of February, a wooden box, value 1s. a woollen great coat, value 19s. a muſlin gown, value 8s. a cotton gown, value 4s. a dimity petticoat, value 4s. two cotton ſhawls, value 3s. a muſlin handkerchief, value 2s. and two pair of cotton ſtockings, value 3s. the property of William Crockford.

William Crockford, the proſecutor, was called upon his recognizance, but not appearing, and there being no witneſs to prove the property, the Jury found the priſoner

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice ROOKE.

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173. JOHN WILLIAMS was indicted for feloniouſly ſtealing, on the 22d of January, 80lb. weight of cheeſe, value 40s. the property of Joſeph Peacock, privately, in his ſhop.

JOSEPH PEACOCK *ſworn*.—I am a cheeſemonger, at Ratcliffe-croſs: On the 22d of January I loſt two cheeſes out of my ſhop; I was not at home at the time; I had left them in the ſhop, about three yards from the ſhop door, with ſome more cheeſes; when I returned home at night, my wife told me the cheeſes were gone.

Q. Is your wife here?—*A*. No. The next day the watchman, Downes, brought me down one of the cheeſes; it was a cheeſe that had a crack in it.

—— DOWNES *ſworn*.—I am a watchman; I ſtopped the priſoner and another with the cheeſe, at the corner of Rupert-ſquare, Leman-ſtreet, they were both covering the cheeſe with a pair of breeches; I went to lay hold of them, and the one that had the cheeſe ran away, and immediately dropped it; I ſtopped the priſoner, and he ſaid he knew nothing of it.

Q. How far is this place from Mr. Peacock's?—*A*. He lives at Ratcliffe, I dare ſay a mile off; a man that is here picked up the cheeſe, it is cut in two halves.

Priſoner. *Q*. Did not I come up and offer to aſſiſt you, and aſk what was the matter?—*A*. Yes; when I ſtopped him, he ſaid he was come up to aſſiſt me; there were ſix or ſeven of them altogether, one of them was a good ſmart young man, bigger than what I am myſelf.

THOMAS NOADES *ſworn*.—I keep a cobler's ſtall, at the corner of Leman-ſtreet: On the 22d of January I got out of my ſtall, to take a pair of boots home, and ſaw half a cheeſe lying directly oppoſite the ſtall, not two yards from me; I turned about, and ſaw a little pair of breeches lie, I picked them up, and found them very heavy, and in them I found the half of another cheeſe, and about five doors farther I ſaw the watchman had got hold of the priſoner. *(The cheeſe produced)*.

Downes. I never loſt ſight of the priſoner after I ſaw him covering the cheeſe.

Peacock. I know this to be my cheeſe, from the mark of the perſon I had it of, B.H. and my own mark beſides, P.; I had not ſold one of that kind of cheeſe for a month before; I had no other cheeſe that was cracked in this kind of way; I had forty or fifty of them, ſome of them I have had three months; the Cheſhire cheeſe, which was the largeſt

largeſt cheeſe I had, laid on the top of this; the Cheſhire cheeſe has never been found; I dare ſay it weighed 90lb.

Priſoner's defence. I had been to Wellcloſe-ſquare, to get ſome ſteel to make tools for my brother, who is an ivory-turner; it being near ten o'clock, the ſhop was ſhut up; and coming up, I heard a noiſe, and I heard a man call out, and I ran up, and aſked him what was the matter, and whether he wanted any aſſiſtance; a man came up, that was in liquor, and ſaid, take him to the watch-houſe, and the watchman ſtood looking at me a long while, before he would take me to the watch-houſe; I aſked the man what I ſhould be taken to the watch-houſe for? and he ſaid, he dared to ſay I was one of the gang; I went with him to the watch-houſe, and ſat there till almoſt eleven o'clock, and the man brought the cheeſe up.

For the Priſoner.

ISAAC WILLIAMS *ſworn.*—The priſoner is my brother; I am juſt out of my time, and I ſent him for ſome ſteel to make me ſome tools; he is about ſixteen; he has been errand-boy at ſeveral places, but was never put apprentice.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. Baron THOMPSON.

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174. ROBERT YOUNG was indicted for feloniouſly ſtealing, on the 9th of January, a leather trunk, value 5s. a metal watch, value 40s. a baſe-metal key, value 1d. a muſlin handkerchief, value 2s. four muſlin caps, value 10s. two ſilk handkerchiefs, value 10s. fourteen yards of lace, value 14s. a leather pocket-book, value 1s. a gold ring, value 4s. and four guineas, the property of Margaret Simmonds.

The caſe was opened by Mr. Conſt.

MARGARET SIMMONDS *ſworn.*—I am nurſery-maid to Mr. Nepean, of the Admiralty: On the 9th of January I came by the Hounſlow ſtage, about a quarter paſt nine, to the Yorkſhire-grey, in Piccadilly; I took a bundle and a trunk from the ſtage to a hackney-coach; the priſoner at the bar opened the coach door; I am ſure he is the man; I gave him the trunk and the bundle, and a pair of pattens into his hand, I ſaw him put them into the coach; I returned back to the ſtage, for the other trunk, with another man, who brought the other box from the ſtage, and put it into the hackney-coach; when I returned back to the hackney-coach, the priſoner was gone, and the trunk.

Q. How long were you gone?—*A.* About three or four minutes; the priſoner was found up among the hackney-coaches; he ſaid there was another coach called, and he went to attend that; he ſaid he had put the trunk into the coach, and he knew nothing of it; I ſaid, I would have him taken up, and then he went away among the hackney coaches again, where he was found again.

Q. What did your box contain?—*A.* Four guineas, a metal watch that coſt four guineas, a gold ring that coſt ſix ſhillings and ſixpence, and the reſt was wearing apparrel, worth about two guineas and a half; I have never ſeen any of my things again.

Q. Are you ſure you left the priſoner in charge of them?—*A.* Yes; I deſired him to attend the coach while I went with another man to the ſtage.

Priſoner's defence. A man came up to me with another trunk, and ſaid, it was a woman that could not afford to give any thing, that had employed him to bring the luggage, and as I was called to another job, I might as well let him get what there was; ſhe ſaid, very well; and then I went into the rank of coaches about my buſineſs again; I attend the coaches as a waterman, to put the bags on, and give the horſes water; ſomebody came up, and ſaid, a trunk was gone out of the coach; I came down, and told her I did not know any thing of it, I had put it in, and left it there; I went into the rank again, and I was fetched back again; I reſigned myſelf up, and went to the watch-houſe, as I knew myſelf innocent of it.

Q. (To Mrs. Simmons.) Were you ſo near the ſecond man that brought the ſecond trunk, that if the priſoner had ſpoke to him, or he to the priſoner, you muſt have heard it?—*A.* I was cloſe to him, the priſoner was then gone.

Priſoner. When I was at the firſt examination, ſhe ſaid, ſhe would ſettle it with me for twelve pounds, and afterwards, at the ſecond examination, ſhe ſaid, ſhe would not ſettle it under fourteen guineas.

Court. (To Mrs. Simmons.) *Q.* Is that ſo?—*A.* No; I always ſaid, fourteen guineas.

GUILTY (Aged 30).

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice ASHHURST.

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175. MARY JENKINS, JAMES AUSTIN, and MARGARET MORRICE, were indicted for feloniouſly ſtealing, on the 30th of January, a black ſilk handkerchief, value 1s. a white cambric handkerchief, value 2s. a pair of ſhoes, value 3s. a pair of cotton ſtockings, value 2s. a half-crown, a half-guinea, and five ſhillings and ſixpence, the property of Joſeph Holland.

JOSEPH HOLLAND *ſworn.*—I am a ſoldier in the firſt regiment of Guards: I was robbed on Tueſday, the 30th of January, about half paſt twelve o'clock; on the Monday night I was rather in liquor, and I called for a lodging in Croſs-lane, St. Giles's, the bottom of King ſtreet, I agreed to give a woman

man two ſhillings for a bed, the woman was in the room I gave the two ſhillings to; when I faſtened the door, I undreſſed myſelf, and the laſt thing I pulled off, was my breeches; I counted my money the laſt thing before I got into bed, I had half-a-guinea in gold, five ſhillings in ſhillings, half-a-crown and a ſixpence; I wrapped the half-guinea up in a piece of paper, the half-guinea was taken out of my pocket, and the paper left in; Mary Jenkins was the perſon that dragged the breeches from under my head.

Court. *Q.* When was it you firſt miſſed it?—*A.* I had been aſleep, it was in the morning when they robbed me, about half paſt twelve o'clock.

Court. *Q.* What time was it you went to this houſe?—*A.* I went about a quarter before eight o'clock, I made the diſcovery about half paſt twelve o'clock; I firſt ſaw Mary Jenkins drag the breeches from under my head, ſhe went round the bed-ſide with them, carried them in her left hand, and put her hand into the pocket, and delivered the money that ſhe took out, to Margaret Morrice; I ſaw her put her hand into the pocket, then ſhe threw the breeches down cloſe to Auſtin's feet, and ſhe ſtruck me ſeveral times with her clenched fiſt, while I was in the bed; ſhe dragged all the clothes off me, and ſaid, get up, you b——y b——r, or I will beat your b——y head off, you have no buſineſs here; then ſhe and Margaret Morrice flew out of the room directly, and went into the other room.

Court. *Q.* What did they do with the breeches?—*A.* The breeches were thrown down as ſoon as ſhe delivered the money to Margaret Morrice; James Auſtin told me to get up, and turn out, and if you don't, ſays he, I will cut your b——y head open; I got up immediately, and James Auſtin went out of the room to the two women in the other room, he tried to pull the door to, but I put my hand to the door, ſo that he might not ſhut it; the watchman was going by, and I called out, murder! the watchman immediately came up, and Auſtin tried to run down ſtairs, but could not, and came into my room again; I gave charge to the watchman of him immediately; then I ſhewed him the two women, and he took charge of the women likewiſe.

Court. *Q.* Did they leave any money in the pocket?—*A.* No; I loſt every farthing, they took all I had; I have never ſeen a farthing of it ſince; I loſt two handkerchiefs, a pair of ſhoes, and a pair of ſtockings; I think one of the handkerchiefs was cambric, and a black ſilk handkerchief, and the ſhoes I pulled off, and a pair of ribbed cotton ſtockings.

Court. *Q.* Are you able to ſpeak to them again?—*A.* I am.

Court. *Q.* The woman you gave the two ſhillings to, was ſhe there before?—*A.* She was to go to bed, I was very much in liquor, as ſoon as I went to bed, I fell aſleep.

Court. *Q.* Had you been in any other woman's company beſides, that evening?—*A.* I had not.

Court. Had you recovered yourſelf, when you found you had been robbed?—*A.* Yes, I had.

ROBERT HAGGER *ſworn.*—I am a watchman, I was calling half paſt twelve o'clock; I heard watch called, I immediately ſtopped and went up ſtairs, it was in Croſs-lane, the bottom of King-ſtreet, I went up ſtairs, and I ſaw this ſoldier without his ſmall-clothes, he immediately gave me charge of this ſailor, James Auſtin, for robbing him, and going to murder him; he told me, there were two women alſo that robbed him, in the other room, I deſired him to ſtop a bit, and I went down ſtairs and ſprung my rattle, and got another watchman to help me; we carried them to the watch-houſe, the conſtable of the night diſcharged James Auſtin, and Margaret Morrice, and kept Jenkins confined; I went back and ſearched the bed, I found two handkerchiefs, a black handkerchief, and a white one, in the room where the women were; then James Auſtin came back into the ſame room, I aſked him, who thoſe two handkerchiefs belonged to, he ſaid, he did not know who the white handkerchief belonged to, but the black one was his own, and he wrapped it up, and put it into his pocket; when the ſoldier came back, he was in a very bad ſituation, I told him about the handkerchiefs, and he ſaid, they were his, and he would have James Auſtin, and Margaret Morrice taken back again to the watch-houſe, and I took them to the watch-houſe.

Court. *Q.* *(To Holland.)* Can you ſafely ſwear to that ſilk handkerchief?—*A.* Yes; I can ſwear to it, there being little holes in it, they came by ſparks from the fire-working, ſmith's-work.

Q. What do you ſay to the white handkerchief?—*A.* That has been darned up in ſeveral places.

Q. Is your name upon it?—*A.* No.

Q. Is there any thing by which you can ſwear to it?—*A.* It is marked with red wine in ſeveral places, and it has been darned up in many places.

Priſoner Jenkins's defence. I live two or three doors from Margaret Morrice; ſhe came to me, and aſked me, if I would go up ſtairs and give her a light, there were two doors joining together; I ſaw this ſoldier, and two women, I took no notice of either; Margaret Morrice laid down upon the bed, ſhe was in liquor; James Auſtin came to me, and as I was going into the room, this man jumped up, and ſaid, we were the people that robbed him, but he ſaid, at the watch-houſe, we were not the two women that were in the room.

Priſoner Morrice's defence. Between ſeven and eight o'clock I had been drinking, and I went to

Mary

Mary Jenkins, and aſked her, if ſhe would give me a light, and when I went up ſtairs, there was this ſoldier, and two girls drinking; I laid down upon the bed, and when I awoke the ſoldier came and ſaid, we had robbed him.

Priſoner Auſtin's defence. I belonged to the Dover Weſt-Indiaman, I came from my ſhip without any money; I had known Margaret Morrice before; I went up ſtairs to her, there are two rooms joining to each other; I ſaw this ſoldier in bed, I ſaid, you had better get up, but he charged me with having robbed him, we were taken to the watch-houſe and diſcharged; when I returned back, there was a watchman ſearching the place, and I took off the bed to let him look; he aſked me, if this black handkerchief belonged to me, I was took to the watch-houſe, and there kept.

Mary Jenkins, NOT GUILTY.
James Auſtin, NOT GUILTY.
Margaret Morrice, NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. RECORDER.

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176. PHILIP BRAMLEY was indicted for feloniouſly ſtealing, on the 14th of February, 6lbs. of raw coffee, value 5s. the property of John Kymer, John Mactagot, Caleb Marſhall, Benjamin Gray, William Chandler, and Benjamin Lyne.

Second Count. Laying it to be the property of John Kymer, John Mactagot, Caleb Marſhall, and Benjamin Gray.

Third Count. Laying it to be the property of certain perſons unknown.

(The caſe was opened by Mr. Knowlys.

GEORGE PARKER *ſworn.*—I am in the employ of the Exciſe, I was at Meſſrs. Kymer and Co's warehouſe; on the 14th of February laſt, the priſoner was employed as a cooper to hoop and unhoop the caſks as they might be wanted, the warehouſes contained raw coffee, and cocoa-nuts; between ten and eleven o'clock in the morning, the priſoner came down ſtairs, and ſaid, he was going to work at my old warehouſe, that is, a warehouſe in Elbow-lane, that I had been at before; I rubbed him down, as is cuſtomary, and found he had coffee in his breeches, or ſomething, which I deſired him to turn out, I took him into a room, and he unbuttoned the knees of his breeches to let it run out, but he ſaid, he would go back to the place he had it from; I inſiſted upon his letting me ſee what it was, and then he let it run out at both knees of his breeches, there is about ſix pounds of it. *(Produces it.)*

Croſs-examined by Mr. Knapp. Q. What are you?—*A.* An exciſe-locker, and have been ſo for two years.

Q. Are there any perquiſites belonging to the perſons uſing the warehouſes?—*A.* I never knew of any.

Q. Are not the droppings from the caſks perquiſites?—*A.* No; they are ſwept together, and cleaned for the uſe of the warehouſe-keeper.

JOHN LESLIE *ſworn.*—I am clerk to Meſſrs. John Kymer, John Mactagot, Caleb Marſhall, and Benjamin Gray, they are anſwerable for this coffee.

Priſoner's defence. I am a foreigner; I found this coffee ſcattered upon the floor, and I thought, as I had a large family, and I did not know that it belonged to any body, I might as well have ſome.

The priſoner called three witneſſes, who gave him an excellent character.

Parker. The priſoner had been employed in thoſe warehouſes ſome years before I came there.

GUILTY, on the Second Count.

Publicly whipped, as near to the warehouſe as poſſible.

Tried by the London Jury, before Mr. RECORDER.

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177. CHARLES FREWIN, GEORGE BOWERS, WILLIAM EATON, and CATHERINE PHILLIPS, were indicted, the firſt three for breaking and entering the dwelling-houſe of John Burford, about the hour of one in the night of the 17th of December, the ſaid John, and others of his family, being therein, with intent the goods of the ſaid John burglariouſly to ſteal, and ſtealing five cloth coats, value 5l. a cloth great coat, value 40s. a man's hat, value 10s. ſix muſlin neck handkerchiefs, value 12s. ſix pair of ſilk ſtockings, value 12s. two calico pocket-handkerchiefs, value 4s. two pair of ſilver ſpurs, value 21s. two volumes, bound, in octavo, of Smollett's works, value 2s. a muſlin neck-handkerchief, value 1s. 6d. a ſilk handkerchief, value 2s. a calico pocket-handkerchief, value 14d. and a pair of ſteel ſciſſars, value 6d. the property of the ſaid John Burford; and Catherine Phillips, for receiving part of the ſame goods knowing them to have been ſtolen.

The caſe was opened by Mr. Gurney.

JOHN BURFORD *ſworn.—Examined by Mr. Gurney.* I am a clerk in the India-Houſe, I live at No. 2, Artillery-place, there is a garden at the back of my houſe which is ſeparated from the Artillery-ground by a wall: On the 17th of December, I went to bed about twelve o'clock; about eight in the morning I got up, and found the kitchen window-ſhutters had been cut by a centre-bit, and the bell broke.

Q. Was the ſhutter ſufficiently broke to admit any perſon in?—*A.* Yes, after the bar was removed; the bolts of the kitchen door were forced, and the door opened.

Q. Have

Q. Have you loſt the property that you have laid in this indictment?—*A.* I certainly have.

Q. Do you remember to have loſt a blue coat?—*A.* Yes, it was taken out of my wardrobe; two volumes of Smollett's works, and a ſilk handkerchief.

Q. Have you ſeen any of your property ſince?—*A.* Yes, at Bow-ſtreet.

Croſs-examined by Mr. Ally. Q. On the morning of the 18th, you diſcovered the robbery about eight o'clock?—*A.* Yes.

Q. You know nothing, of your own knowledge, of what paſſed in the night?—*A.* No.

Q. Does any body live in the houſe with you?—*A.* Yes, my own family.

Q. Did your ſervants ſleep there that night?—*A.* Yes.

Q. The bell was broke, I take it for granted; there would have been ſome alarm if any degree of violence had been uſed?—*A.* I did not hear any alarm.

ALEXANDER WIFFIN *ſworn.*—I am footman to Mr. Burford: I faſtened the back kitchen window the night of the robbery, it was faſtened by a bar and a bell, I faſtened it between the hours of twelve and one; I went to bed as ſoon as I had faſtened it up.

Q. What time did you come down in the morning?—*A.* Not till eight o'clock in the morning; it was then day-light.

ELIZABETH TRUMAN *ſworn.*—*Examined by Mr. Gurney.* I am cook to Mr. Burford: On the morning of the 18th, I got up between ſeven and eight—

Q. Was it day-light?—*A.* It was a little day-light.

Q. Was there light ſufficient to ſee the countenance of a man?—*A.* Yes; when I came down, I found all the doors open, and then I went and called my fellow ſervants.

Q. How long had it been day-light before you came down ſtairs?—*A.* I think about a quarter of an hour.

Q. Tell us if there was any extraordinary appearance that ſtruck you?—*A.* I found all the drawers open, and all the things lying about the floor; I found a piece of candle wrapped up in an apron, and a great many drops of candle in the drawing-room, and in different rooms, and all the way up ſtairs.

Q. In what room?—*A.* The drawing-room, and the two parlours; and the dreſſing-room, and the bed-room where two children ſlept.

JOHN COCKAYNE *ſworn.*—*Examined by Mr. Gurney.* I belong to the Public-office, Bow-ſtreet: I went along with John Gibbs and Peter Perry to the Tower, on the 1ſt of January, where we apprehended George Bowers and Charles Frewin; we then went to Saltpetre-bank, where they live, and there we found the property now produced; there are three rooms in the houſe, one upon a floor; on the ground-floor we found a bundle containing two counterpanes, three cloaks, and other articles now in Court. *(Produces them).*

JOHN HEARNE *ſworn.*—*Examined by Mr. Gurney.* I live at Saltpetre-bank, I am a bricklayer: I know the two priſoners, Frewin and Bowers: I let George Bowers a whole houſe, at three ſhillings and three-pence a week, and Frewin lived with him, Bowers paid me the rent; Frewin had the one pair of ſtairs, and Bowers told me that he lived in the firſt floor, and ſlept in the garret.

Q. Was Frewin ever with Bowers when he told you which rooms they ſeparately occupied?—*A.* Yes, he was, more than once or twice; there is no number to the houſe, it is at the corner of a court.

Croſs-examined by Mr. Ally. Q. How long is it ſince you let this houſe to this man?—*A.* It might be four months back.

Q. They are both ſoldiers you know?—*A.* Yes.

Q. You know they were on duty at the Tower, when they were taken into cuſtody?—*A.* Yes.

Q. You do not mean to ſay, of your own knowledge, that they have occupied that houſe lately, before that time?—*A.* I ſaw him knock at the door about five in the morning, and ſaw him go in.

Q. Do you mean to ſay that Frewin was with Bowers, when he told you?—*A.* Yes; I told him he had better not have the houſe, as he would have to pay ſomething more than he had done before, and he told me he had got a comrade that would have his firſt floor; Frewin was with him at that time, and he has ſaid that ſeveral times in the preſence of Frewin; Frewin deſired, after he was in cuſtody, that I would let his brother-in-law have his things, I went to the houſe, and I found in a box, in Frewin's apartment, this horſe-piſtol, *(producing it;)* afterwards, Bowers's wife wiſhed to have her property; I took a ſtove out of the fire-place, but did not pull down the hob; I went to let the houſe a few days after, and in pulling down the hob, I found theſe keys all puſhed underneath, *(producing a parcel of picklock keys;)* this was in Bowers's apartment.

Mr. Alley. Q. This was ſome time after the priſoners had left the houſe?—*A.* Yes; ſome days after they were taken.

Cockayne called again.—*Examined by Mr. Gurney.* Q. Can you tell us, firſt of all, what you found on the ground-floor?—*A.* The firſt thing was a bundle, tied up in a black apron, it contained two counterpanes, three cloaks, and other articles now in Court, *(produces them;)* I found this dark lanthorn in

in the cupboard, a tinder-box, a centre-bit, and the ſtock; I found the bit in the lower-room, and the ſtock in the garret; this cutlaſs I found in Bowers's room, and three hats, there is only one of them here; Gibbs and Perry ſearched Frewin's room, on the 1ſt of February; I apprehended Eaton and Phillips, at No. 4, White-ſtreet, Little Moorfields, in the front parlour, they were both in bed; the firſt thing I found in his room was a pair of boots, and in one of the boots was a crow about twelve inches long; I likewiſe found this waiſtcoat, with a knife, and ſome matches, and in the other pocket, a gimblet; I found there alſo, a white pocket handkerchief, a ſilk handkerchief, a neck handkerchief, and a pair of ſciſſars, and in Eaton's drawers, which he ſaid he had given four guineas for, I found this duplicate of a table-cloth, and a neck handkerchief, the pawnbroker is here.

Croſs-examined by Mr. Alley. Q. It was a month after the apprehenſion of Bowers and Frewin, before you apprehended the other two priſoners?—*A.* Yes.

Q. They had two or three examinations, had not they?—*A.* Yes.

Q. And it was a matter very public?—*A.* Yes, it was.

JOHN GIBBS *ſworn.—Examined by Mr. Gurney.* I am an officer of Bow-ſtreet; I was with the laſt witneſs at Bowers and Frewin's.

Q. Did you ſearch the firſt-floor?—*A.* Yes; I found two books, two volumes of Smollett's works, a blue coat, two pair of ſtockings, and a ſilk handkerchief.

Q. *(To Mrs. Burford.)* Look at theſe two books?—*A.* Theſe are the firſt and ſixth volumes; I have brought the ſecond with me, they correſpond exactly in the binding, they are the two volumes that I loſt.

Q. Look at that blue coat?—*A.* I believe this to be mine; the lining of the right-hand pocket is wore more than the other, by the wearing of a ſnuff-box, the linings have been taken out of the ſleeves, or I could have proved it with more certainty, becauſe I always have, to all my coats, a piece of ſilk at the bottom of the ſleeve; I loſt ſtockings of this pattern, but the mark is taken out, this pocket handkerchief I cannot ſwear poſitively to.

Mrs. LUCY BURFORD *ſworn.—Examined by Mr. Gurney.* I am the wife of Mr. Burford.

Q. Obſerve the corner of that handkerchief where there has been a mark, and ſee if there is ſufficient remaining for you to ſpeak to it?—*A.* I am not certain, I loſt two ſuch handkerchiefs.

Q. Look at the ſtockings?—*A.* I loſt ſeveral pair of ſtockings, here is upon one of theſe a letter B, from which I believe them to be my huſband's.

Q. Have you, in your pocket, a fellow ſtocking to that?—*A.* I have, *(produces it;)* they correſpond.

Q. Be ſo good as look at that neck handkerchief that was found in Frewin's room?—*A.* I will not pretend to ſwear to it, but I verily believe that to be Mr. Burford's.

Mr. Gurney. Now we will go to Bowers's room.

Q. *(To Mr. Burford.)* Did you loſe a hat?—*A.* Yes.

Q. The hat you loſt had a lining to it?—*A.* Yes.

Q. This has not, ſee if there is any name in it?—*A.* There is my name in the ſide of the crown; I bought it of Mr. Settree, in the Strand.

JOHN GENT *ſworn.—Examined by Mr. Gurney.* I live with Mr. Settree.

Q. Look at that hat, do you know it?—*A.* Yes; there is my private mark in it; I ſaw Mr. Settree write Mr. Burford's name in it, I carried it home myſelf to Mr. Burford's laſt June.

Q. *(To Mrs. Burford.)* Are there any of theſe handkerchiefs that you can ſpeak to?—*A.* I can ſpeak to all of them; I am certain they are mine, the ſilk handkerchief, a white handkerchief with a red border, the neck handkerchief, the names have been picked out; this ſilk handkerchief I believe to me mine, I have others of the ſame ſort; the neck handkerchief I can ſwear to, it has a darn of my own.

Q. The pocket handkerchief with a red border?—*A.* I have one in my pocket exactly the ſame, *(produces it;)* which has the mark of J B upon it, and it correſponds exactly with this handkerchief.

Q. Look at the ſciſſars?—*A.* They have been in uſe a great length of time, in conſtant uſe for ten years, and I firmly believe them to be mine.

WILLIAM SMITH *ſworn.—Examined by Mr. Gurney.* I am ſervant to Mr. Parker, a pawnbroker, the corner of Wood-ſtreet.

Q. Look at that duplicate?—*A.* It is my writing, I took in a table cloth and a ſilk handkerchief, to the beſt of my knowledge, from the priſoner Phillips, on the 26th of January, I had ſeen her ſeveral times before, *(produces a table-cloth,)* I delivered the ſilk handkerchief to Cockayne.

Q. Have you any doubt that it was the priſoner?—*A.* I have none.

Q. In what name did ſhe pawn them?—*A.* In the name of Phillips, the table-cloth is not claimed.

Cockayne. This is the handkerchief that I received from Smith.

Mr. Gurney. (To Cockayne.) Q. Do you know what theſe keys are?—*A.* They are falſe keys, to get into people's apartments.

Mrs.

Mrs. Burford.—Croſs-examined by Mr. Alley. Q. On theſe handkerchiefs there are no marks, except one darn?—*A.* There are not.

Q. Ladies darn very much alike, do they not?—*A.* Not always.

Q. Will you, knowing that the life of one of theſe men depends upon your ſwearing to that darn, will you ſwear to its being your darning?—*A.* I would not ſwear to a thing that I was not certain of.

Q. But knowing the poſſibility of being miſtaken in ſo trifling a circumſtance, will you undertake to ſwear that this is your darn?—*A.* I have no doubt of it.

Q. As to theſe ſciſſars, they are ſuch as may be bought in any ſhop in London?—*A.* I have had them in conſtant uſe for ten years.

Q. Will you ſwear that that handkerchief with the darn in it is worth one ſhilling?—*A.* It is not worth a great deal.

Mr. Gurney. Q. What do you think it is worth?—*A.* I think it is worth 1s. 6d. or 2s.

The priſoner Frewin left his defence to his Counſel.

Bowers's defence. On New-Year's day, about ſix o'clock in the morning, as we were going to our duty, we picked up a large bundle by the Tower-ditch, and we had not time to look to ſee what was in it, we took it home, and went back to our duty at the Tower, and when we came to the Tower, we were apprehended and taken to Bow-ſtreet.

Eaton's defence. I am quite innocent of the charge that is laid againſt me, I was taken out of bed, and carried to priſon, and from there to Bow-ſtreet.

Phillips's defence. Eaton had had theſe things before I went to live with him, and I pawned them as his property.

For Eaton,

JOSEPH DEAVES *ſworn.—Examined by Mr. Alley.* I am a carpenter, No. 4, White-ſtreet.

Q. Do you know the priſoner Eaton?—*A.* Yes; he lodged with me when he was apprehended; the woman priſoner lived with him as his wife.

Q. Do you recollect how long he has lodged in your houſe?—*A.* Some time in the month of December.

Q. What time do you generally ſhut your doors at night?—*A.* About ten at night; I never knew him to my knowledge out of my houſe but once, after ten o'clock at night.

Q. When was that time?—*A.* Some time in the Chriſtmas time, I cannot recollect exactly, I know him to be a very honeſt man, and Catherine Phillips is very honeſt too.

Croſs-examined by Mr. Gurney. Q. What part of December did he come to lodge with you?—*A.* The beginning.

Q. Where did Eaton and Phillips ſleep?—*A.* In the front parlour.

Q. Where did you ſleep?—*A.* In the back parlour.

Q. I need not aſk which is the nigheſt to the front door?—*A.* The front parlour; if any body was to open the door I ſhould hear it; I generally wake if a noiſe is made.

Q. But if the door was opened without making a noiſe, it would not wake you?—*A.* If it was a very little noiſe, I ſhould hear it.

Q. Do you mean to ſwear, that in no night in December, your door was opened after ten o'clock, but that one?—*A.* Yes.

Q. Was that night before or after Chriſtmas?—*A.* After.

Q. Are you ſure of that?—*A.* Yes.

Q. How far is Mr. Burford's houſe from your's?—*A.* About four hundred yards.

Court. Q. What is Eaton?—*A.* A ſmith.

Q. What time did he uſually go out?—*A.* I go out generally about ſix o'clock, and I find the door open generally.

Q. Did you hear the door open?—*A.* Yes.

Q. Where did he work?—*A.* I heard that he had a ſhop in Wych-ſtreet.

Q. How far is that from you?—*A.* A long way, I ſuppoſe it is a mile from me.

The priſoner, Eaton, called three other witneſſes, and Frewin three witneſſes, who gave them a good character.

Frewin,	GUILTY Death. (Aged 26.)
Bowers,	GUILTY Death. (Aged 23.)
Eaton,	NOT GUILTY.
Phillips,	NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Juſtice ROOKE.

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178. THOMAS BEST was indicted for feloniouſly ſtealing, on the 16th January, four quartern loaves of wheaten bread, value 2s. the property of Jane Baker.

JAMES LEWIS *ſworn.*—I am a baker, journeyman to Mrs. Jane Baker: On Tueſday, the 16th of January, I pitched my baſket at the corner of Fleet-market, Holborn-bridge; I was gone from my baſket about four minutes; when I came back to my baſket, I found the priſoner with four quartern loaves in his arms; I aſked him what buſineſs he had with that bread, he begged my pardon, and ſaid he thought it was his own baſket; he then put them down and run away; I followed him, and overtook him in a yard concealed under a cart; I loſt ſight of him, as he turned the corner, for about half a minute; I brought him to my miſtreſs's houſe,

houſe, No. 5, Field-lane; he offered to pay me for the bread, but I told him I did not want any money, and fetched a conſtable, and he was taken.

Q. Had he the appearance of a baker at the time?—*A.* Yes; I did not know him him before; he ſaid, after I took him, that he had no baſket.

HENRY BEARD *ſworn.*—I am a conſtable, I took charge of the priſoner.

Q. (To Lewis.) This was Mrs. Baker's bread?—*A.* Yes.

Priſoner's defence. I wanted to buy a ſtale quartern loaf, and I was examining the loaves in the baſket, and finding they were all new, I dropped them into the baſket again, and then this young man came up, and aſked me what I was doing with the bread, I told him I wanted to buy a ſtale loaf, and then I walked away; he came after me in a few minutes, and ſaid he had loſt four loaves; I had not got any property about me.

The priſoner called James Copeland, with whom he had worked twenty-one weeks, and who gave him a good character.

GUILTY (Aged 18.)

Publickly whipped and diſcharged.

Tried by the London Jury, before
Mr. RECORDER.

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179. JOHN HAYWARD was indicted for feloniouſly ſtealing, on the 6th of January, ſix ſilver table-ſpoons, value 48s. two ſilver ſalt-ſpoons, value 4s. and a ſilver funnel, value 4s. the property of William Jolliffe, Eſq.; a ſilver watch, value 30s. a baſe-metal watch chain, value 2d. and a baſe-metal watch key, value 1d. the property of Hannah Ridley, in the dwelling-houſe of the ſaid William.

SAMUEL HAMILTON *ſworn.*—I am an officer belonging to Marlborough-ſtreet: On the 7th of January laſt I was by accident at the Magiſtrate's houſe in Marlborough-ſtreet, Mr. Conant's, when Capt. Hilton Jolliffe, the ſon of the proſecutor, came, and wiſhed him to ſend an officer to inſpect his houſe, one of his ſervants having told him it had been broken open; I went to the houſe of Mr. William Jolliffe, in Argyle-ſtreet; the priſoner went with me into the coach-yard, and ſhewed me a dung-heap, where he ſaid the thieves muſt have got over; I could ſee no footſteps; I went to the other part of the houſe, where the priſoner told me they muſt have got over, but I could ſee no ſuch ſigns; I went into the houſe again; I then had a ſuſpicion of the priſoner, and I ſearched him; I found ſeveral pawnbrokers' duplicates upon him, which do not apply to this property; I then took the priſoner into cuſtody, and on the Tueſday following he was to have been examined at the office upon another charge, with reſpect to the duplicates that I found of property belonging to Captain Jolliffe; the priſoner ſent for me to our place of confinement, at Marlborough-ſtreet, and told me—

—*Mr. Knapp.* *Q.* The priſoner was then in confinement?—*A.* Yes.

Q. And when you came to him, you did not ſay a word?—*A.* Only what do you want?

Q. When he was originally committed, did he know that he was charged with ſtealing any thing belonging to either of the Mr. Jolliffes?—*A.* He did.

Q. And it was not till after he had been made ſubject to a charge of that ſort by the commitment, that he ſent for you?—*A.* No; on the Tueſday after.

Q. Did Capt. Jolliffe live in the ſame houſe with his father?—*A.* Occaſionally, when he was not upon duty; the priſoner ſaid, that the ſtory he had previouſly told me of the thieves getting over, was an invention of his own, for that he was very much diſtreſſed, having a wife and young children, but that if I would go into the hay-loft, at Mr. William Jolliffe's houſe, hid, in a particular truſs of hay, I ſhould find ſix ſilver table-ſpoons, a ſilver wine funnel, and a ſilver watch; I went there, and found them; I took Gudgeon, who is groom to Mr. Jolliffe, with me; we ſearched among the hay, and in a truſs there, we found the articles which I have now named, *(produces them)*; I have had them ever ſince.

WILLIAM GUDGEON *ſworn.*—I have been ſervant to William Jolliffe, Eſq. very near ten years; I am come to prove Mr. Jolliffe's property; I was with the officer when the priſoner was apprehended, and when he found the property that he has deſcribed.

HANNAH RIDLEY *ſworn.*—I am ſervant to Mr. William Jolliffe; the ſilver watch that has been produced is mine, *(looks at it)*; it has my name upon the face of it.

Q. It is valued at thirty ſhillings, it is not worth more is it?—*A.* I do not think it is worth ſo much; it has a baſe-metal chain and key to it.

Mr. Knapp. *Q.* There is no particular mark about the watch, or the key, or chain, except a parcel of letters put round the dial-plate?—*A.* That is all.

Q. Therefore, if any other letters anſwering to your name, were put round another watch, you would not know that from this?—*A.* I cannot ſay; I know I had ſuch a watch.

Q. You did not know the number of it?—*A.* No.

Q. (To Gudgeon.) Look at the ſix ſilver table-ſpoons?—*A.* They are certainly the property of William Jolliffe, Eſq. they are plain, with neither cypher, arms, nor creſt upon them; they have been

been in my cuſtody, on and off, for very near ten years; I have one in my pocket of the ſame pattern. *(Produces it).*

Mr. Knapp. Q. If any body elſe had theſe ſpoons, which have no mark, and which have nothing by which you can diſtinguiſh the one from the other, would you be able to diſtinguiſh my ſpoons, if I had ſuch ſort of ſpoons, from theſe?—*A.* I do not know how that might be; they are certainly the ſpoons.

Q. Look at theſe ſilver ſalt ſpoons?—*A.* I will not ſwear that they are ſilver, but they are the ſpoons; there is no mark upon them.

Mr. Knapp. Q. There is no mark upon them, by which you are able to ſwear to them, whether they are ſilver or not?—*A.* There is no mark that I have fixed upon.

Q. Do you mean to ſwear they are ſilver?—*A.* No.

Q. Do you mean to ſwear they are plated?—*A.* No, I mean to ſwear they are the ſpoons.

Court. Q. Now look at the ſilver funnel?—*A.* That is Mr. William Jolliffe's property; it is a very remarkable one, there are ſeveral bruiſes in it that I can ſwear to.

Q. Have you been uſing a funnel this afternoon?—*A.* No, I have not drank any wine.

Q. It has been pretty much uſed in Mr. Jolliffe's houſe?—*A.* It has been badly uſed.

Q. Did you live in ſervice before you lived with Mr. Jolliffe?—*A.* Yes; in ſome of the firſt families in London; I never lived leſs than four or five years in a place.

Q. Have you never had the misfortune, in any of your ſervices, of a funnel dropping, and getting bruiſed before?—*A.* Yes, that has dropped ſeveral times out of my hand; I believe all ſervants have that misfortune at times.

Q. So it is from theſe kind of bruiſes, that you mean to ſwear to this funnel?—*A.* Exactly ſo, as I ſaid before.

Q. Theſe things, I take it for granted, were not all taken at one time?—*A.* I look upon it they were all taken at one time.

Q. How lately had you ſeen theſe things before they were miſſed?—*A.* I believe it was three or four days,

Court. Q. Do you know enough of the value of the plate to fix a value upon any of theſe things?—*A.* I am no judge; but I think I would not lay the value of them at more than thirty-ſeven or thirty-eight ſhillings.

The priſoner left his defence to his Counſel.

GUILTY, of ſtealing to the value of 39s.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury, before *Mr.* RECORDER.

180. JOSEPH FARRINGTON was indicted for feloniouſly ſtealing, on the 3d of February, a dead pig, value 5s. the goods of William Hancock.

ABRAHAM HANCOCK *ſworn.*—I am the ſon of William Hancock, my father lives in Shoreditch: On Saturday, the 3d of February, we loſt a dead pig from the ſtall before the door; I did not ſee the priſoner take it; I had information of it, and I purſued the priſoner, and caught him with it, about five hundred yards from our houſe; the priſoner was running, and fell down; I ſaw the pig lying upon the ground, about three yards from him; he was running in a direction from the houſe; an alarm had been given, that was the cauſe of his running; he got from me, and an officer ſecured him, and took him to the watch-houſe; I am ſure he is the ſame man.

Q. How do you know it was your father's pig?—*A.* I am ſure of it, I had ſeen it not half an hour before, it had come from the country, and I had unpacked it.

Croſs-examined by Mr. Alley. Q. You and your father are in partnerſhip together?—*A.* All the ſame; it was ſent as a preſent to us.

Q. It was ſent as a preſent to both?—*A.* I expected to eat a part of it.

Court. Q. Had you a right to eat of it without his leave?—*A.* No.

Mr. Alley. Q. It was a preſent to yourſelf as well as to your father?—*A.* It was ſent in his name.

Q. What buſineſs is your father?—*A.* A butcher.

Q. And the buſineſs is carried on for your mutual advantage?—*A.* Yes.

Q. Do you never ſell pigs that are ſent as preſents?—*A.* Yes; this was put upon the ſtall for that purpoſe.

Q. To be ſold for your joint benefit?—*A.* Yes.

Court. Q. Do you conceive you had a right to ſell this pig, that you had a right to any ſhare of the profit, did your father tell you it was to be ſold for your joint benefit?—*A.* No.

Mr. Alley. Q. When any article comes to be ſold, there is no converſation with you about the ſhare of the profit?—*A.* No.

Court. Q. You ſay it was a preſent to your father, were you authoriſed to ſell it on account of you both, or for your father?—*A.* I ſhould have reaped ſome benefit from it.

Mr. Alley. Q. Should you have reaped ſome benefit, unleſs your father had given you a ſhare in it?—*A.* No.

Q. Did he give you a ſhare in it?—*A.* No; the money was to have been put into the day's taking.

Court. Q. Did your father authoriſe you to ſell this pig upon the joint account, the pig having come as a preſent to him?—*A.* No.

Q. Could

Q. Could you have ſold it without your father's conſent?—*A.* No.

Mr. Alley. Q. This pig was lying on the ſtall?—*A.* Yes.

Q. Where were you at the time?—*A.* In the ſhop.

Q. The cry of ſtop thief was given?—*A.* Yes.

Q. Did not the priſoner cry ſtop thief?—*A.* Not that I know of.

Q. There were a great many other pigs in the ſame neighbourhood, were there not?—*A.* Yes.

Q. Then you will not ſwear that that is the ſame pig?—*A.* No.

Court. Q. Did not you tell me you were ſure that was the ſame pig?—*A.* Yes, I am ſure of it.

DAVID SULLEN *ſworn.*—I am a weaver: On Saturday, the 3d of February, about twelve o'clock, I ſaw the priſoner take the pig off Mr. Hancock's ſtall, I told his ſon of it, and he purſued him, and Mr. Hancock's ſon got hold of him.

Q. Did you loſe ſight of him?—*A.* Yes, he broke away from Mr. Hancock's ſon, and Mr. Maſon, the officer of the night, took him in cuſtody.

Q. What time did this happen?—*A.* About twelve at night; I am ſure he is the ſame man; when he got to the watch-houſe, he aſked Mr. Hancock's father to forgive him; he ſaid he would not do the like again.

Croſs-examined by Mr. Alley. Q. Do you know Mr. Athill?—*A.* Yes.

Q. You know he is a *fence*?—*A.* No, I do not.

Q. Will you ſwear that?—*A.* Yes.

Q. Do not you know he was tried here?—*A.* No.

Q. Did you know the men that were tried the ſeſſion before laſt, for forging two thouſand pounds worth of Bank-notes?—*A.* No.

Q. Do not you know that he had two thouſand pounds worth?—*A.* No.

Q. Did not you ſay, in the preſence of the priſoner's brother, that if Mrs. Tomſon would give you eight guineas, you would unſwear all you had ſworn?—*A.* No, I did not.

Q. Did not you know Mrs. Tomſon?—*A.* Very well.

Q. Upon your oath, has there not been an application from Athill to Mrs. Tomſon, that if he would give you eight guineas firſt, and then four, you would unſwear all you had ſworn?—*A.* No.

Q. How much was it you ſaid you would take? *A.* I did not ſay any thing at all.

Q. What did Athill ſay for you?—*A.* That I cannot ſay.

Q. Have you been in any public-houſe in Bethnall-green lately?—*A.* Yes.

Q. Has Mrs. Tomſon been unlucky enough to meet you there?—*A.* Yes.

Q. Did not you meet Athill there, and did not you go for the expreſs purpoſe of endeavouring to get a ſum of money from that poor woman, in order to ſave the priſoner from proſecution?—*A.* I went along with Athill; I did not know what his intention was.

Q. What was the name of that public-houſe?—*A.* I cannot ſay.

Q. Was it not the Bladebone public-houſe?—*A.* I believe it is.

Q. Have you ever been there before?—*A.* No.

Q. Then for what purpoſe did you go there with Athill?—*A.* He aſked me to go with him.

Q. Did he not aſk you to go with him for the expreſs purpoſe of this buſineſs?—*A.* He took me there to explain about the pig being taken; as I never was before a Magiſtrate before,—

Q. Upon your oath, had you not been before a Magiſtrate before that?—*A.* Yes.

Q. Did you not go with Athill for the expreſs purpoſe of ſettling this buſineſs?—*A.* I cannot ſay.

Q. Upon your oath, do not you believe that that was the object?—*A.* I cannot ſay.

Q. Will you undertake to ſwear, upon your oath, that that was not the object?—*A.* I cannot ſwear it was, and I cannot ſwear it was not.

Q. Did not you ſend Athill a ſecond time?—*A.* No.

Q. Upon your oath, did not he go a ſecond time?—*A.* I believe he did.

Q. Did he not go a ſecond time with your knowledge?—*A.* No.

Q. Did he not tell you he had been a ſecond time?—*A.* No.

Q. And you mean to ſwear that you did not ſay you would unſwear all you had ſworn if you had eight guineas?—*A.* No.

Q. And did not know that Athill had touched two thouſand pounds worth of Bank-notes?—*A.* No.

PETER MASON *ſworn.*—I am an officer of the night: About twelve o'clock at night I heard a cry of ſtop him, I went as faſt as I could to the place, and ſaw Hancock, and the priſoner juſt running from him; I caught hold of him, and ſeveral people cried out, let him go; I ſaid, as I was an officer of the night I would not let him go till I knew what he had done; upon hearing that I was an officer of the night, Mr. Hancock gave me charge of him; I deſired him to come to the watch-houſe to make good his charge, and he brought a pig with him; Mr. Hancock knew him, and called him by his name; he aſked him to forgive him, and ſaid he would never do the like again; he ſaid he would not forgive him, becauſe he had ſtole ſome beef from him in Leadenhall-market.

Croſs-

Croſs-examined by Mr. Alley. Q. When they came to the watch-houſe, the poor fellow was in cuſtody? —*A.* Yes.

Q. I ſuppoſe, if you were taken in charge for a felony you would be likely to ſay, forgive me, I will not do ſo again?—*A.* If I had committed a felony I might ſay ſo.

Priſoner's defence. I was coming home from my work in Hackney-road, I was paid at the Green-gate; I was coming along and that man in the blue coat, Maſon, laid hold of me; there was nobody elſe had hold of me at all.

The priſoner called two witneſſes who gave him a good character.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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181. ORLANDO CALLANDER was indicted for feloniouſly ſtealing, on the 13th of January, ſeven ounces of tea, value 1s. 6d. the property of the Eaſt-India-Company.

Second Count. Laying them to be the property of perſons unknown.

(The caſe was opened by Mr. Knapp.)

JOHN OUTLAW *ſworn.*—I am a labourer in the Eaſt-India warehouſes in Crutched-friars; the priſoner was alſo a labourer in the ſame warehouſes: In conſequence of directions that I received, I placed myſelf in an alley in the upper part of the warehouſe, behind a cheſt of tea, it was on a Saturday, about ten o'clock in the morning; the priſoner came into the room, he went to the window and ſharpened a knife upon the ſill of the window, there were two other men at the door, they went away, and then he turned back down this alley, and at the bottom of the alley I heard a ruſtling as if he was opening a cheſt; the priſoner then went out of the room, and I went and acquainted the elder of it; I went to the bottom of the alley and found a cheſt of tea open, it appeared to have been cut with a knife, and a little tea was ſpilt by the ſide; that is all I know of it.

SAMUEL VOKINS *ſworn.*—I am King's-locker at the Eaſt-India warehouſes: Mr. Barber pointed out the priſoner to me, and deſired me to be particular in ſearching him at two o'clock; I took him into Mr. Coward's office, and in his right-hand coat pocket I found an old pocket-book, and between the leaves of it I found four ounces of tea; in the ſeat of his breeches, in a bag, I found three ounces more, or rather better, it was all the ſame ſort of tea; he begged of Mr. Coward to ſhew him mercy, but he told him he could do nothing for him; a conſtable was ſent for, and he was apprehended. *(Produces the tea).*

WILLIAM BARBER *ſworn.*—I am an aſſiſtant elder in the Eaſt-India warehouſes; we had tea of this ſort in our warehouſes, belonging to the Eaſt-India Company.

Priſoner's defence. I took the tea with me into the warehouſe.

The priſoner called one witneſs, who gave him a good character.

GUILTY on the Second Count.

Publickly whipped as near the warhouſes as poſſible.

Tried by the London Jury, before Mr. RECORDER.

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182. ANN FULLER was indicted for feloniouſly ſtealing, on the 10th of January, a calico ſhirt, value 10s. and a lawn handkerchief, value 3s. the property of Thomas Clement.

THOMAS CLEMENT *ſworn.*—I live in Queen-ſtreet, Cheapſide: I miſſed the property from my bed-room, and had the priſoner apprehended; I lodge at Mr. Page's, the priſoner was there to help his ſervant; the things were in a foul clothes-bag; the morning after I miſſed them I found them at a pawnbroker's.

DAVID WATSON *ſworn.*—I am ſervant to a pawnbroker, *(produces a calico ſhirt and handkerchief);* I took them in of the priſoner at the bar on the 11th of January, ſhe was a cuſtomer at our ſhop, they were pledged in her own name; I have had them ever ſince. *(The ſhirt was depoſed to by Mr. Clement).*

The priſoner did not ſay any thing in her defence.

GUILTY (Aged 29.)

Confined ſix months in the Houſe of Correction, privately whipped, and diſcharged.

Tried by the London Jury, before Mr. RECORDER.

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183. PETER DEKCLERK was indicted for forging and counterfeiting, on the 30th of January, a Bank-note for the payment of 20l. with intent to defraud the Governor and Company of the Bank of England.

Second Count. For uttering and publiſhing the ſame, knowing it to be forged, with the like intention.

Third and Fourth Count. The ſame as the firſt and ſecond, only laying it to be with intent to defraud William Algar.

(The indictment was ſtated by Mr. Giles, and the caſe opened by Mr. Fielding).

WILLIAM ALGAR *ſworn.*—*Examined by Mr. Knowlys.* Q. I believe you are a ſhoe-maker, in Chadd-ſtreet, near Wapping?—*A.* I am.

Q. Did the priſoner come to you on the 30th of January?—*A.* Yes.

Q. Did

Q. Did he purchaſe any goods?—*A.* He bought a pair of boots, and two pair of ſhoes.

Q. What did they amount to?—*A.* One pound eighteen ſhillings.

Q. Was any man with him when he came?—*A.* There was an elderly perſon, I imagined him to be the mate.

Q. How did he offer to pay you?—*A.* By tendering me down a 20l. note, as it appeared to me to be, *(the note produced)*; I believe this to be the note.

Q. What did you do with the note that he tendered you in payment?—*A.* I took it and looked at it; I did not like the appearance of the colour of the paper, and I did not like to change it, but ſent it over to a neighbour oppoſite me.

Q. By whom did you ſend it?—*A.* By my ſon, and he brought it back again.

Q. Are you ſure that the note your ſon brought back was the ſame note?—*A.* It looked like the ſame; then I inſpected more cloſely into it, and ſent it to a Mr. Allybone by my ſon.

Q. Did your ſon bring it back unchanged?—*A.* He did.

Q. After your ſon had tried there, what did you do with it?—*A.* I took it to a Mr. Culland, in Wapping.

Q. Did you get change for it?—*A.* I ſent it by a ſervant maid to Mr. Culland, only to inſpect into it.

Q. Did ſhe bring you back the note?—*A.* She did.

Q. After ſhe returned you the note what did you do with it?—*A.* I took it to the Bank.

Q. Who did you deliver it to there?—*A.* It was a holiday; I delivered it to a clerk, and he delivered it to a Mr. Bliſs, the inſpector.

Q. Was it delivered to Mr. Bliſs in your preſence?—*A.* It was not.

Q. Who did you deliver it to?—*A.* I don't know the gentleman's name.

Q. When did you ſee Mr. Bliſs?—*A.* I ſaw him about three minutes after.

Q. Did you ſee the note in Mr. Bliſs's poſſeſſion?—*A.* I did.

Q. Did you ſee whether Mr. Bliſs put a mark upon it?—*A.* No, I did not.

Q. Was the note you ſaw in Mr. Bliſs's poſſeſſion the ſame note you ſent in?—*A.* Yes.

Q. There is the mark of W. A. upon the back of the note?—*A.* That is my mark.

Q. Where did you make thoſe letters?—*A.* I ſigned them at Bow-ſtreet.

Q. After you had ſhewn this to Mr. Bliſs what did you do?—*A.* Mr. Bliſs returned with the note, and we went to Mr. Winter, the Solicitor of the Bank; two officers attended Mr. Bliſs, and then I went with them to my own houſe.

Q. When you got to your own houſe, did you find the priſoner there?—*A.* The priſoner at the bar was there, and this gentleman, the mate.

Q. When the officers came to him did you hear him ſay any thing about the note?—*A.* When the officers came in rather hot upon him and ſearched him, he ſtood with a great deal of fortitude.

Q. Did you hear him, while the officers were ſearching him, ſay any thing about this note?—*A.* I heard him ſay, he took it Chicheſter.

Croſs-examined by Mr. Conſt. Q. I ſee you have put your initials upon it, you have no doubt but it is the ſame?—*A.* I know it to be the ſame, I think I could pick it out of a hundred, I obſerved the word, pounds, wrote with a pen, and not a copper-plate; I don't recollect I ever ſaw one wrote with a pen, but the grand reaſon is the colour of the paper.

Q. When you went to the Bank, you gave it to a clerk, whoſe name you do not know?—*A.* I do not.

Q. He took it from you, and went away for about three minutes?—*A.* He did.

Q. Of courſe, except from your ſuppoſing it to be the ſame, it having been out of your poſſeſſion three minutes, you have no other way of knowing it?—*A.* No other way than by believing it to be the ſame.

Q. The next time you ſaw it, it was in Mr. Bliſs's hands?—*A.* Yes.

Q. You have told us that the priſoner ſaid ſomething, do you mean that he ſpoke any words in Engliſh?—*A.* I am ſure of it.

Q. Do you mean by words in Engliſh, he made uſe of the name of a town, or the name of a man?—*A.* Several words in Engliſh.

Q. Perhaps he talked of the town of Chicheſter?—*A.* He did ſay Chicheſter.

Q. Do you mean, upon your oath, to ſay that he ſpoke the Engliſh language fluently?—*A.* No, by no means fluently; "no good" is an Engliſh word, and he ſaid, "why?" when it was told him by the mate, that I did not like to change the note, he came and aſked me in this manner, "why?" I told him, I did not like the colour of the note, I thought it was a bad one.

Q. That is the only thing you can remember?—*A.* I think it was very properly anſwered.

Q. The converſation between him and the mate was in their own language?—*A.* It was.

Q. Did you obſerve, when they were talking their own language, that many of the words were like our own Engliſh?—*A.* I cannot ſay that, I did not pay any attention.

Q. You ſent the note out three times?—*A.* No; twice.

Q. Thoſe different times of offering the note, took up ſome ſpace of time?—*A.* It did.

Q. Each

Q. Each of the times that this note was returned, he continued ſtill in your ſhop?—*A.* Yes.

Q. Did he entertain an idea of your ſuſpicions?—*A.* There was not a doubt of his underſtanding my ſuſpicions, becauſe he was told of them.

Q. How long might you have been gone to the Bank?—*A.* It took ſome time; I might be gone very near an hour and three quarters.

Q. Notwithſtanding this ſuſpicion, and knowing where you were gone, you found him, on your return, ſtill waiting for you?—*A.* I did.

Q. You deſcribed that he behaved with a great deal of fortitude?—*A.* With a great deal of fortitude.

Mr. Knowlys. Q. When you told him of your objection to the 20l. did he ſay, he could pay you in any other way?—*A.* No, he did not.

Q. Did you make your objection to the 20l. note before you went to make enquiries about it?—*A.* Yes, I did, before I took it myſelf.

Q. Had you made thoſe objections before you ſent your ſon to get change for it?—*A.* Not to the priſoner at the bar, I had made thoſe objections to my ſon.

Q. Was that loud enough for the priſoner and the mate to hear?—*A.* I don't think it was.

Q. Did you aſk the priſoner to pay you in any other way?—*A.* When he tendered me down the 20l. note, I did not like the colour of the paper, and I aſked him, if he could accommodate me with a ſmaller note; I was made to underſtand, by the mate, that the priſoner had no ſmaller; the priſoner had his pocket-book in his hand, and he ſhewed me a note, which he ſaid, was a 50l. note.

Q. When you aſked for a ſmaller note, and he ſaid, he had not a ſmaller note, did you mention any thing about caſh?—*A.* I did not.

Mr. Conſt. Q. You underſtood by the mate and the priſoner, that he had not a ſmaller note than the 20l.?—*A.* Yes; when I aſked him, if he had a ſmaller note, he ſaid, no.

Q. You firſt ſuggeſted your objection to your ſon, and ſent him out to get change?—*A.* I did.

Q. On his return, you told the priſoner and the mate, you had ſome ſuſpicions about it?—*A.* I did; and the mate gave him to underſtand, I did not like to change it, and he ſaid, why?

Court. Q. Was it before you went to Mr. Culland's, that you intimated your ſuſpicions that the note was not a good one?—*A.* It was.

Q. After you had been to Mr. Culland's, you did not ſee the priſoner again till you returned with the officer?—*A.* No, I did not.

Q. You are ſure he underſtood you when you aſked him whether he had a ſmaller note?—*A.* I am ſure he did, he ſaid, no, and ſhewed me another note, which he ſaid, was a 50l. note, I did not ſee it open.

Q. Did he ſhew you any 10l. notes, or make mention of any?—*A.* He did not; I ſaw no 10l. note.

ROBERT ALGAR *ſworn.—Examined by Mr. Giles.*

Q. You are the ſon of the laſt witneſs?—*A.* I am.

Q. Were you in the ſhop on the 30th of January, when the priſoner at the bar and his mate came in?—*A.* I was not.

Q. When did you come in?—*A.* Between the hours of eleven and twelve, thoſe two men were then in the ſhop.

Q. What were they doing?—*A.* They were bargaining with my father for a pair of boots and two pair of ſhoes.

Q. Which of them ſpoke to you father?—*A.* The mate was rather the interpreter.

Q. Did the other ſpeak any Engliſh or not?—*A.* I did not obſerve that he ſaid any words of Engliſh that I could diſtinctly underſtand; they agreed to pay one pound eighteen ſhillings for one pair of boots and two pair of ſhoes; the priſoner at the bar gave my father a 20l. note for the payment of thoſe boots and ſhoes, he took it out of a pocket-book; my father ſaid, he would be obliged to him if he would accommodate him with a ſmaller note, as he had not change enough to change it.

Q. What ſaid the priſoner?—*A.* I did not underſtand the priſoner ſaid any thing, but ſhewed a 50l. note; he ſhewed a note in his pocket-book, which he ſaid, was a 50l. he did not take it quite out of his pocket-book; my father gave me the 20l. note, and deſired me to go over to Mrs. Glegg, who keeps a public-houſe, to get it changed; I took the note from my father, and gave it into Mrs. Glegg's hand; it never paſſed out of my ſight till I returned it to my father; he then ſent me to a Mr. Allybone, in order to have his opinion whether it was a good note; I did not go there to change it.

Q. Did you take the note back?—*A.* Mr. Allybone was not at home, I gave it to his wife, and ſhe carried it back into a back room, to give it to her ſon, and there it paſſed out of my ſight for a few minutes; ſhe brought me back a note, which I believe to be the ſame that I gave to her, I took it back again to my father; my father and I went behind the counter to examine the note, and my father held it up to the light, and he perceived the water mark was very dull, and he ſaw the word, pounds, was wrote with a pen inſtead of the copper-plate; my father ſaid, gentlemen, if you will ſtop a minute, I will go up ſtairs and compare this note with ſome notes I have got; my father went up ſtairs, and when my father came down, he ſaid, he had not change enough in the houſe, but he would go out and get it changed; my father put on his hat and went out, and took the note with him.

Q. When he was gone, had you any converſation

tion with the priſoner?—*A.* I had with the mate, but not with the priſoner; I could not underſtand what the priſoner ſaid.

Q. How long was your father abſent?—*A.* I believe about an hour or an hour and a quarter.

Q. Did the priſoner at any time learn where your father was gone?—*A.* I don't know.

Q. When your father returned, what paſſed between you and the priſoner?—*A.* Nothing at all.

Q. Who came with your father?—*A.* I believe two officers, and Mr. Bliſs, belonging to the Bank, came with my father; the officers immediately ſearched the captain. *(The note produced).*

Q. Is that the ſame note you took, have you any means of judging?—*A.* By every appearance of the note, I believe it to be the ſame, but I cannot ſwear poſitively.

Q. Were any queſtions put to him reſpecting where he got the notes?—*A.* I believe the inſpector aſked him where he took the notes, and the mate ſaid, Chicheſter, and the captain ſaid, Chicheſter.

Court. *Q.* That was after the mate had ſaid ſomething to the priſoner, which you did not underſtand?—*A.* It was.

Q. You heard the captain ſay, Chicheſter?—*A.* I did, repeatedly.

Q. Was there any thing more paſſed?—*A.* I don't remember that there was, I believe I have told you the whole of what paſſed.

Q. Do you know what they found upon the captain?—*A.* There was a 50l. and a 10l. note; the 50l. note, they ſaid, was a bad one, and the 10l. note was good.

Q. Any money?—*A.* Two guineas in gold.

Croſs-examined by Mr. Knapp. *Q.* Before you parted with the note to Mrs. Allybone, you had put no mark upon the note?—*A.* I had not.

Q. How long was Mrs. Allybone abſent with the note?—*A.* I believe, about a minute or two minutes.

Q. She went completely out of your ſight?—*A.* She did.

Q. The mate was the perſon who was the ſpokeſman upon this buſineſs?—*A.* He was, the whole time.

Court. *Q.* What do you mean by the ſpokeſman?—*A.* He was the perſon who interpreted what the captain ſaid.

Mr. Knapp. *Q.* Did the mate ſpeak bad Engliſh himſelf?—*A.* He did.

Q. Though you might underſtand in general what he ſaid, he might ſpeak ſome words you did not underſtand?—*A.* In general, I underſtood what he ſaid.

Q. Do you think that the mate could underſtand every thing that you ſaid?—*A.* I believe he did by the anſwers he made.

Q. At that time your father and you were holding the note up to the light, where was the priſoner and mate?—*A.* They were in the ſhop at the ſame time.

Q. Could they, while your father and you were behind the counter, holding up the note to the light, ſee that you were doing ſo?—*A.* They could.

Q. At the time your father ſaid, gentlemen, if you will ſtay a little, I will go up ſtairs and compare the note with ſome I have got there, did they hear what your father ſaid?—*A.* I believe they did.

Q. Then it appeared to you, that the priſoner at the bar perfectly well knew what your father ſaid?—*A.* If the priſoner did not, the mate perfectly did.

Q. Did the mate in general communicate the converſation held between your father and him to the priſoner?—*A.* I cannot ſay.

Q. You ſay, you think your father was gone about an hour and a quarter?—*A.* It might be an hour and a half or more.

Court. *Q.* While your father was abſent, where was the priſoner and the mate?—*A.* They were in the ſhop all the while.

Q. Who was with them in the ſhop?—*A.* I was there, I believe, the whole time; I don't believe I was out of the ſhop, except to ſee what o'clock it was once.

ELIZABETH ALLYBONE *ſworn.—Examined by Knowlys.* *Q.* Do you remember young Mr. Algar bringing a 20l. note to you to change?—*A.* Not to change, he brought it me to look at.

Q. Did you return to him the ſame note that he gave you?—*A.* I did.

HANNAH WALTERS *ſworn.—Examined by Mr. Knowlys* *Q.* Whoſe ſervant are you?—*A.* Mr. Culland's.

Q. Do you recollect, on the 30th of January, Mr. Algar, the ſhoe-maker, giving you a note to carry up to your maſter?—*A.* He gave me a note.

Q. Did you return the ſame note to Mr. Algar, that he gave you?—*A.* Yes, I did.

WILLIAM STOKES *ſworn.—Examined by Mr. Giles.* *Q.* Do you recollect receiving a 20l. note from Mr. Algar?—*A.* I do.

Q. What did you do with it?—*A.* I gave it to Mr. Bliſs.

GASPER DANE *ſworn.—Examined by Mr. Fielding.* *Q.* You are the mate of the ſloop called the William and Anna?—*A.* Yes.

Q. How many voyages have you been with the priſoner at the bar?—*A.* This is the ſecond voyage.

Q. Were you on board when ſhe went to Chicheſter?—*A.* Yes.

Q. How long were you there before you made your voyage, and when did you come to London?—*A.* We

—*A.* We cleared the ſhip the 2d of November, and ſtaid two or three days after.

Q. Did you return to the continent?—*A.* No; we went away from Chicheſter to Rotterdam, we went to Dunkirk firſt, by a gale of wind.

Q. And from Rotterdam you came to London?—*A* We came to London.

Q. Do you remember, on the 30th of January, going to the houſe of a Mr. Algar, with captain Dekclerk?—*A.* Yes; I went there to purchaſe ſome ſhoes and boots.

Q. When you went into the ſhop, was it you, or captain Dekclerk that bargained for the boots and ſhoes?—*A.* I was with him as his interpreter, becauſe they could not underſtand him.

Q. Does he underſtand any Engliſh at all?—*A.* May-be a word or ſo, very little.

Q. When the boots and ſhoes were produced, do you remember what took place upon the payment for them?—*A.* The ſhoe-maker aſked the price, and the captain offered two ſhillings leſs, and whether they went for that or leſs, I don't know.

Q. What was the price at laſt to be paid for them?—*A.* The price at laſt was 1l. 18s.

Q. How were they paid for?—*A.* I cannot tell.

Q. What did he do?—*A.* He took a paper out of his pocket to pay it with.

Q. When the man receive this paper, what did he ſay, did he addreſs himſelf to you?—*A.* That I cannot ſay, the man went out with it.

Q. Did the ſhoe maker ſay any thing to you about the note, when he had got it into his hand?—*A.* I do not know what he ſaid about it.

Q. When he came back again with the note, did he ſay any thing to you?—*A.* No.

Q. When the ſhoe-maker took the note, did he ſay any thing about the ſum of it, or aſk him for any ſmaller?—*A.* That he did.

Q. What did the captain ſay?—*A.* The captain ſaid he had none but a 50l.

Q. When he, Mr. Algar, went out with the note, you and the captain, and the young man, the ſon, were left in the ſhop?—*A.* Yes.

Q. Do you remember Mr. Algar, the ſhoe-maker, giving the note to his ſon?—*A.* Yes, I ſaw him.

Q. Do you know what paſſed at the time, did you underſtand any thing that the father ſaid to his ſon?—*A.* No, I did not take notice.

Q. How ſoon was Young Algar gone out before he came back?—*A.* May be two or three minutes, I cannot ſay.

Q. Did he go out a ſecond time?—*A.* I cannot tell you whether he had been one or two times.

Q. How ſoon after was it that Mr. Algar, the ſhoe-maker, went out himſelf?—*A.* It might be half an hour from their firſt coming into the ſhop.

Q. When Mr. Algar was gone, how long, according to your opinion, was he abſent, before he came back again?—*A.* About an hour and a half.

Q. Had you any talk with the young man about the note when his father was gone?—*A.* No, I never talked about the note all the time he was away.

Q. Did you yourſelf ſay any thing to him, aſking him where his father was gone to?—*A.* No, he ſaid he himſelf thought his father was gone to the Bank.

Q. Did you tell that to the captain?—*A.* I did; I told the captain it would be very late before we dined to-day, the captain ſaid, if we don't eat at one, we ſhall at two.

Q. When you heard the young man ſay he thought his father was gone to the Bank, what did you underſtand?—*A.* I thought it would be late before we got to dine.

Q. Did you underſtand any thing more from it, than it was likely to delay you, and keep you from your dinner?—*A.* Not a ſingle word.

Q. Did the young man deſire you to aſk the captain where he had got the note?—*A.* He never aſked that in my preſence.

Q. When Mr. Algar returned, with ſome other gentlemen, and they had taken the captain into cuſtody, what then paſſed?—*A.* They took us both, and ſearched us both.

Q. When they had ſearched the captain, and had found the different articles upon him, what did he ſay, as to the place where he got the note?—*A* He ſaid he had received the likeneſs of this at Chicheſter.

Q. Was he aſked where he had got that note?—*A.* Yes.

Q. I am ſpeaking of Algar's ſhop, when he was ſearched there, and he was aſked where he had got the note, what did he ſay?—*A.* I heard him talking about Chicheſter.

Q. He ſaid ſomething then, did he mention the name of Chicheſter?—*A.* Yes, he did.

Q. Now attend to me; you, as the interpreter, were deſired to aſk of him where he had got the note?—*A.* After we had been ſearched and arreſted.

Q. When you aſked him the queſtion, what did he ſay?—*A.* I did not aſk him in the ſhop, I did not aſk him till after we had been in arreſt.

Q. When you did aſk him that queſtion, where did he ſay he got them from?—*A.* He ſaid he had got ſome notes from one Van-Haverbach at Dunkirk.

Q. Did he ſay any thing about Chicheſter?—*A.* He did not ſpeak any more about Chicheſter afterwards.

Q. But when you aſked the queſtion by the deſire

ſire of this Gentleman, Mr. Winter, what was the anſwer?—*A.* The anſwer was about Chicheſter.

Q. What was it?—*A.* That he had received ſuch paper at Chicheſter.

Q. Do you mean to ſay that?—*A.* That gentleman aſked the captain where he got it, I ſaid it to the captain, and the captain talked about Chicheſter, that ſuch paper was got at Chicheſter, but I underſtand it was not the ſame paper, but the likeneſs.

Q. Recollect, the queſtion you were deſired to aſk the captain was, where he got it from, now repeat his anſwer?—*A.* The captain told me, at Chicheſter at that time, and ſo I told that gentleman.

Q. Were you deſired by this gentleman to aſk the captain, from what perſon he got it at Chicheſter?—*A.* Yes

Q. From whom did he ſay he got it?—*A.* He named Mr. Hobbs.

Q. What perſons were with you and that gentleman, when he deſired you to aſk ſuch queſtions of the captain, how many people came into the ſhop?—*A.* There was only a ſingle woman came in.

Q. You went from the ſhop to this gentleman's houſe, did you not?—*A.* Yes.

Q. That queſtion being put to him, he gave you an immediate anſwer, that he had it from Mr. Hobbs, at Chicheſter?—*A.* At that time he did.

Q. Where was it, at the gentleman's houſe?—*A.* At the gentleman's houſe.

Q. When you went to Bow-ſtreet, did he tell this ſtory?—*A.* I aſked the captain where he had got it.

Q. Did he ſay that he had got it from Mr. Hobbs, at Chicheſter?—*A.* He had told me, he got it from one Van-Haverbach, at Dunkirk; I ſaid, why did you not ſay ſo to me at the gentleman's houſe, when we were arreſted, he ſaid that the firſt time, I had miſunderſtood him.

Q. This was on the Saturday, when you went to buy the boots, on what day was it you were at Bow-ſtreet the firſt time?—*A.* The Tueſday following.

Croſs-examined by Mr. Conſt. *Q.* When the ſhoemaker came back, with the two gentlemen that ſearched you, did he then ſay any thing where he got the notes from?—*A.* I did not take any notice at the time, I was out of my ſenſes.

Q. The captain does not ſpeak Engliſh?—*A.* No, every thing that paſſed was with my interpreting.

Q. While you were at the ſhoe-maker's, you do not remember any thing about the notes being accounted for?—*A.* No.

Q. When you were at that gentleman's houſe, they aſked you ſome queſtions?—*A.* They aſked nothing of me, but told me to let them know what the captain ſaid.

Q. One of the queſtions they bid you aſk him, was, where it was he got the notes from?—*A.* Yes.

Q. When you aſked him that queſtion, you ſaid ſomething to this gentleman that you thought he told you?—*A.* He talked about Chicheſter, but he did not mean Chicheſter.

Q. When you told this gentleman what he had ſaid, did he ſpeak to you again?—*A.* No.

Q. Nothing more paſſed about it?—*A.* Nothing more.

Q. At Bow-ſtreet, when you aſked him, where did you get thoſe notes? did he ſay to you, "I got "them of Van-Haverbach, at Dunkirk"?—*A.* Yes.

Q. And then you ſaid, why did you not ſay ſo the firſt time?—*A.* Yes.

Q. You ſaid, why did you not ſay ſo at firſt, for you told me Chicheſter?—*A.* Yes; he ſaid his mind was ſo before, but it was only the likeneſs of them, and not thoſe papers.

Q. Was that the way he explained it?—*A.* That was the way.

Q. You ſay his mind was ſo; can you tell me, in any other words, what the mind is in your language?—

Court. *Q.* Tell the interpreter in the language the captain uſed at Bow-ſtreet; what the captain ſaid at Bow-ſtreet about the notes to you.—In what language did the captain ſpeak to you at Bow-ſtreet?—*A.* In Dutch.

Q. Tell the interpreter, in Dutch, what the captain ſaid at Bow-ſtreet?—*(The witneſs ſpeaks to the interpreter in Dutch).*

Interpreter. *A.* That he had received thoſe notes an hour previous to his departure from Dunkirk, from Van-Haverbach.

Court. *Q.* You have told us, that upon his telling you that he had received thoſe notes from Van-Haverbach, at Dunkirk, you ſaid, why did you not ſay ſo the firſt time, for you talked of Chicheſter; now tell the interpreter, in the captain's language, what the captain ſaid to that queſtion?—

Interpreter. *A.* He put the queſtion to the captain, the captain ſaid, he had miſunderſtood him.

Court. *(To Interpreter.)* *Q.* What more did he ſay?—

Interpreter. *A.* Nothing more.

Court. *(To Witneſs.)* *Q.* Did the captain explain to you then, what he had ſaid to you the firſt time?—*A.* No, he did not.

Q. What did he ſay about the likeneſs of any paper?—*A.* That he had received the likeneſs of ſuch paper at Chicheſter.

Mr. Conſt. *Q.* When the captain went to Chicheſter with his freight, you went with him to Mr. Hobbs?—*A.* Yes.

Q. There-

Q. Therefore you ſaw Mr. Hobbs paying him the freight?—*A.* I was preſent; I ſtood a very little way from them.

Q. Did you ſee Mr. Hobbs pay him any ſuch paper as that?—*A.* Yes, I did; I ſaw the ſame ſort of papers, five different papers; he put them into his pocket-book, and went to the Cuſtom-houſe.

Q. I don't know whether you ever ſaw this 20l. note before?—*A.* I never ſaw it before.

Court. Q. When you repeated to the gentleman the anſwer which the captain gave you to the queſtion the gentleman deſired you to aſk, where he got the notes, did you then underſtand that the anſwer you gave the gentleman, was the anſwer the captain gave to you?—*A.* Yes.

Mr. Fielding. Q. When you were with the captain at the houſe of Hobbs, you ſay he was paid ſo many different notes?—*A.* Five notes.

Q. What did he do with thoſe notes?—*A.* He put them into his pocket-book, and went to the Cuſtom-houſe to clear his ſhip.

Q. Did you go to the Bank?—*A.* I ſaw him change one note at the Cuſtom-houſe upon the clearance.

Q. Did he get caſh for the other notes?—*A.* That I don't know.

Q. Did you go with him to the Cuſtom-houſe where he got money for his notes?—*A.* No.

VENAN VINT *ſworn.—Examined by Mr. Garrow.*

Q. What are you, Mr. Vint?—*A.* I am a partner in the houſe of Van-Dyke and Company.

Q. Was your houſe employed as the agents in England, for the merchants to whom the priſoner's ſhip belonged?—*A.* Yes.

Q. Did you ſee the priſoner at your accompting-houſe on the morning of Tueſday the 30th of January?—*A.* Yes.

Q. Did you, at that time, pay him any money?—*A.* I did; I paid him a 10l. Bank-note.

Q. Should you know the note?—*A.* No.

Q. Have you no account of the number?—*A.* No.

Q. Did the priſoner, at that time, produce to you any paper purporting to be a 20l. Bank-note?—*A.* He did.

Q. Did he ſtate to you where he had received that 20l note?—*A.* Not at that moment.

Q. State to the Court what he did ſay upon the production of that note to you?—*A.* He ſhewed me a 20l. Bank-note, and aſked me if I thought it was a good one.

Q. What more paſſed?—*A.* I anſwered him, I thought it was; I then paſſed it to Mr. Jackſon, one of the clerks, he told me he thought it was a good one; I then aſked Mr. Jackſon whether there was any body in the Bank of the name of Greenway.

Q. Did he at any time, in the courſe of that converſation, ſay who he received that Bank-note from?—*A.* To the beſt of my recollection, he told me that he received it at Chicheſter.

Q. Was that communication to you, of his having received it from Chicheſter, from any queſtion put to him—Did you aſk him where he had received it?—*A.* I think I did.

Q. What were the words he told you?—*A.* According to the beſt of my knowledge—I can tell you in Dutch, but I cannot ſay them in Engliſh. *(States the words in Dutch).*

Q. What do you take to be the literal tranſlation of thoſe words you have been uſing?—*A.* I then underſtood that he received the notes from Chicheſter.

Q. Do you remember the name of any perſon occurring from the captain?—*A.* Yes; Hobbs's name was mentioned by him.

(The note produced.) Q. Look at this note, and tell us whether that is the note the priſoner produced to you?—*A.* I believe it is the ſame note.

Q. Will you endeavour to recollect, as near as you can, the manner in which Mr. Hobbs, of Chicheſter, was introduced into that converſation?—*A.* As his conſignee.

Q. From the converſation you had with the priſoner, did you collect that Mr. Hobbs had any thing to do with the note?—*A.* I told you ſo before; I underſtood he had got the note from Mr. Hobbs, at Chicheſter.

Croſs-examined by Mr. Knapp. Q. This notes you tell us went through your inſpection, together with Mr. Jackſon's?—*A.* Yes; and ſeveral other perſons,

Q. In the courſe of your buſineſs, I take it for granted, you muſt have a great number of notes paſs through your hands?—*A.* Yes, we have.

Q. If this had been offered to you in payment, ſhould you have had any difficulty in taking it from the captain?—*A.* No; I ſhould have had no difficulty.

Q. Would you not have given him change for it if he had deſired it?—*A.* I would.

Q. You have been in Court during the time the mate was examined, Gaſper Dane?—*A.* Yes.

Q. Did you hear that witneſs, the mate, admit, in the converſation he had with the priſoner, that he received ſuch paper at Chicheſter?—*A.* Yes.

Q. You have told us, Mr. Vint, that the words were equivocal in themſelves?—*A.* Yes.

Q. Then, having heard what paſſed by the mate's evidence, do you ſtill perſiſt in the terms being ſo equivocal, that you might not underſtand it in the fair interpretation?—*A.* I do think ſo; I think any body might be very eaſily miſtaken in it.

Q. You were, at that time, converſing about Bank-

Bank-notes laying before you?—*A.* I tell you his anſwer was very equivocal.

Court. Q. Give us the anſwer literally in Engliſh?—*A.* I received ſome notes from Chicheſter, I underſtood it to include that note.

Mr. Knapp. Q. You have known the priſoner at the bar ſome time?—*A.* No, I have not; I never ſaw him before this voyage.

Q. Did he come to you well recommended?—*A.* Perfectly ſo.

Q. From perſons whom you correſponded with? *A.* From one of the firſt houſes in Rotterdam.

Court. Q. Did he give you any reaſon for aſking your opinion upon that note?—*A.* None in the leaſt; I gave him a 10l. bank-note, and then he went away.

Q. What time of day was it?—*A.* Between ten and eleven o'clock in the morning.

NATHANIEL LOARING *ſworn.—Examined by Mr. Garrow.* Q. You are clerk to the ſolicitors of the Bank of England?—*A.* Yes.

Q. Were you preſent at Mr. Winter's houſe, when the priſoner was examined there?—*A.* I was in Mr. Winter's office at the time.

Q. Were you attending the examination?—*A.* I took the minutes by Mr. Winter's direction, in writing.

Q. Do you recollect Mr. Winter's deſiring that a queſtion might be put to the priſoner where he received the notes?—*A.* I do.

Q. What anſwer did you minute?—*A.* He received them at Chicheſter, from Mr. Hobbs, for a freight of his cargo in November laſt.

Q. The notes were the ſubject of this examination?—*A.* Yes; the notes lay upon Mr. Winter's deſk, here are my minutes.

Q. Were theſe two the notes, reſpecting which the examination was had?—*A.* Yes, they were.

Q. I underſtand you are not converſant with the Dutch language?—*A.* No.

Q. Attending to the anſwer given by the priſoner, are you able to ſay, whether the words, "Chicheſter" and "Hobbs" occurred in his anſwer?—*A.* He uſed thoſe words, which I perfectly underſtood, and he pointed to the notes, ſo that I had not the leaſt doubt but he meant the notes, he pointed to both the notes, and he produced a ſmall paper out of his pocket-book, containing ſome part of the account of his freight, and the money he received for it of Mr. Hobbs.

Q. Though you did not underſtand the words which compoſed the reſt of the ſentence, you underſtood the words, "Hobbs," and Chicheſter?" —*A.* I underſtood no other words than Hobbs and Chicheſter.

Croſs-examined by Mr. Conſt. Q. You underſtood no words but Hobbs and Chicheſter?—*A.* No.

Q. You were preſent during the examination of the mate?—*A.* Yes.

Q. The converſation was between the mate and priſoner, in which you underſtood the two words, "Hobbs," and "Chicheſter"?—*A.* I only underſtood "Hobbs," and "Chicheſter. I told you before, that the mate was deſired to aſk the captain in Dutch, how he came by thoſe notes, and I minuted his anſwer down, through the interpretation of the mate.

Q. That is the converſation of which the mate has been talking?—*A.* Yes, it is.

EDWARD FUGION *ſworn.—Examined by Mr. Knowlys.* I am one of the officers of Bow-ſtreet; I apprehended the priſoner at the houſe of Mr. Algar, I found upon him a 50l. note, a 10l. note, and two guineas in gold.

Q. Look at that 50l. note, and ſee if that is the note you found upon him?—*A.* It is.

Q. And that 10l. note?—*A.* Yes.

Croſs-examined by Mr. Knapp. Q. When you apprehended him, you had no difficulty at all in ſearching him?—*A.* None at all.

Q. You have been an officer ſome time?—*A.* Yes.

Q. Did you ever apprehend any man who conducted himſelf with more propriety than the priſoner?—*A.* Certainly not.

Q. Did you ſearch the ſhip?—*A.* I did.

Q. Did you find any thing?—*A.* No.

Court. Q. Where did you find the notes?—*A.* In a pocket-book.

THOMAS BLISS *ſworn.—Examined by Mr. Garrow.* On the 30th of January, this note was brought to the Bank by Mr. Algar, the ſhoemaker.

Q. Is that a genuine Bank of England note?—*A.* It is not, it is a forged note. *(The 50l. note produced).*

Q. Is that a forged note alſo?—*A.* It is, it was found upon the priſoner, I put my name upon it, *(the 20l. note read.)*

No. 6362. No. 6362, 1796. Bank 11 Feb. 1796.

I promiſe to pay to Mr. Ab. Newland, or bearer, on demand, the ſum of 20l.

London, the 11th day of February, 1796.

For the Governor and Company of the Bank of England. J. Greenway. Entered J. Gilbert.

(the 50l. note read, ſigned E. Lewin.)

Mr. Bliſs. That is a very bad imitation of Mr. Lewin's hand-writing.

—— GREENWAY *ſworn.*—I am one of the caſhiers of the Bank.

Q. Look at that note, and tell us if that is your hand-writing?—*A.* It is not.

HENRY HOBBS *ſworn.—Examined by Mr. Giles.* I live at Chicheſter; I know the priſoner, he brought

brought me a cargo of wheat and cheeſe early in November laſt, I advanced him ten guineas in part of his freight, on or about the 6th of November, I paid him in caſh.

Q. Did you pay him any Bank of England note, or any paper, purporting to be one —*A.* None.

EDWARD HYDE *ſworn.* — *Examined by Mr. Knowlys.* I am one of the partners in the houſe of Hobbs and Co. I remember paying the priſoner his freight, I paid him about 90l. the 14th of November, all in caſh,

Q. Do you know who paid him the reſt?—*A.* Mr. Stephen Hack, my partner, he paid him caſh, I believe, except five Chicheſter 10l. notes.

Q. Did the captain make any objection to theſe Chicheſter Bank-notes?—*A.* He did; he wanted all caſh.

Q. He received all caſh, except theſe five Chicheſter notes?—*A.* He did.

Q. Do you know of your own knowledge, whether the priſoner got caſh for theſe five notes?—*A.* I do not.

Q. What is your firm?—*A.* Hyde, Hobbs, and Hack.

Q. Is there any other perſon of the name of Hobbs, in Chicheſter?—*A.* Yes.

Court. Q. Is there any other that the priſoner is concerned with?—*A.* believe not.

CHARLES TAPPER *ſworn.*—*Examined by Mr. Giles.* Q. You are a clerk in the Chicheſter Bank?—*A.* Yes.

Q. Do you remember the priſoner at the bar coming to the Chicheſter Bank, and caſhing notes?—*A.* I do; I think there were five, I am not poſitive.

Q. Are you ſure there were four?—*A.* Yes.

Q. What did you give him for them?—*A.* Caſh.

Q. When was it?—*A.* To the beſt of my memory, I think it was either the 14th or 15th of November.

Court. (*To Hyde.*) Q. It was the 14th of November you paid him 90l. and you ſay you ſaw Mr. Hack pay him the remainder, was that the ſame day?—*A.* It was the ſame day.

The priſoner put in a written defence, which was read as follows:

My Lords and Gentlemen, I am innocent of the crime laid to my charge; the two Bank-notes found in my poſſeſſion, I received from Mr. Van-Haberbach, on the quay, at Dunkirk, the day I ſailed from that place; I have been acquainted with him for many years; in the courſe of my acquaintance with him, I had lent him 20 guineas, which I aſked him to pay me, he told me he had got no money, but ſaid, here are two Bank-notes, they will be as good in England as guineas; you may pay yourſelf, and bring me ſome goods; he mentioned ſome hats, razors, great buttons, and ſmall buttons, and ſome cloth; I put them in my pocket, and when I was at Meſſrs. Van-Dyke and Co.'s office, I obſerved that a pilot, to whom one of the clerks paid a Bank-note, wrote ſomething on the back of it, it occurred to me that the notes I received of Mr. Van-Haberbach had not any thing written upon them; I ſhewed one of them to Mr. Vint, and aſked him if it was a good one, as Mr. Van-Haberbach had not written upon it, and Mr. Vint ſaid it was, and ſhewed it to one of his clerks, who ſaid the ſame; I could not tell whether it was a good one or not, never having ſeen a Bank-note before, excepting five, which I received from Mr. Hobbs, of Chicheſter, the laſt voyage before the preſent one, and the only time I was ever in England before.

JAN POP *ſworn.*—*Examined by Mr. Conſt.* (The witneſs being a foreigner, an interpreter was ſworn.) Q. What countryman are you?—*A.* Of the city of Antwerp.

Q. What are you?—*A.* An able ſeaman.

Q. Did you ſail the laſt voyage with the priſoner?—*A.* Yes, I was with him at Dunkirk, and ſailed from thence with him.

Q. Do you know a man of the name of Van-Haverbach?—*A.* I know him by ſight, I believe he is a clerk in the Marine-office.

Q. Did you ſee him at Dunkirk before you ſailed?—*A.* Yes.

Q. What part of Dunkirk?—*A.* I cannot exactly ſay where.

Q. Do you recollect where you ſaw him laſt?—*A.* About an hour before we ſailed from thence.

Q. Whereabouts was it that you ſaw him at that time?—*A.* Near by the ſhip.

Q. Did you hear or ſee any thing paſs between the captain and Van-Haverbach?—*A.* The only thing that I ſaw was two papers given by Mr. Van-Haverbach to the captain, to purchaſe things.

Q. Do you know what theſe papers were?—*A.* As far as I could ſee they were two notes, but whether they were great or ſmall I cannot tell.

Q. Have you ſeen Bank-notes before?—*A.* I never ſaw other notes, except one or two the captain ſhewed me at Chicheſter on board; how big they were I cannot tell.

Q. Where have you ever ſeen any notes before theſe you ſaw at Dunkirk?—*A.* I never ſaw any others than thoſe that the captain ſhewed me at Chicheſter; I heard the captain ſay he had got two Bank-notes to purchaſe goods, and that is all I know about it.

Q. Did you ſee them open or folded up?—*A.* I did not obſerve whether they were open, or whether they were folded.

Q. Did you ſee enough of the Bank-notes to be able to deſcribe them?—*A.* I cannot ſay whether they were large or ſmall.

Croſs-

Croſs-examined by Mr. Garrow.—Q. How many voyages have you ſailed with the captain?—*A.* This is the ſecond voyage that I have been with him, one to Chicheſter, and one here.

Q. *(To the witneſs without the interpreter.)* Have you got any Bank-notes in the ſhip.—*A.* There are no Bank-notes in the ſhip.

Q. You can talk a little Engliſh?—*(Anſwers in Dutch.)*

Q. Do you mean to ſwear you cannot underſtand Engliſh a little, do you underſtand what I ſpeak to you now, have you not talked in Engliſh about theſe Bank-notes with any body?—*(The witneſs made no anſwer.)*

Mr. Garrow. Q. Aſk him, in his own language, if he has not talked about theſe notes in Engliſh, and I will prove by-and-by that he has?—*A.* I know of no Bank-notes, nor of nothing.

Q. Do you remember a gentleman coming on board the ſhip, and aſking you about theſe Bank-notes, and you anſwering him in Engliſh?—*A.* There was an Engliſh gentleman came on board, who ſpoke to me, but I did not underſtand him only by geſtures.

Q. Did you underſtand by geſtures, or anſwer by geſtures?—*A.* I underſtood the word Bank-note, and I bid him look and examine where he would.

Q. Did that gentleman aſk you whether you knew of any Bank-notes being delivered to the captain abroad?—*A.* I have forgot, I cannot recollect.

Q. Did not you tell the gentleman you did not know any thing about any Bank-notes being delivered to the captain at Dunkirk?—*A.* I cannot tell what I ſaid, or what I did not ſay, to that gentleman.

Q. What you did ſay, did you ſay in Engliſh? *A.* I made him anſwer, look what you want.

Q. You did not ſay any thing to the gentleman, that you did not know any thing about the captain having any Bank-notes at Dunkirk?—*A.* I do not retain it in my memory.

Q. When did you firſt ſay that you ſaw Van-Haberbach deliver Bank-notes to the priſoner?—*A.* I told it when I was at the ſolicitor's.

Q. Have you ſeen any Bank-notes lately, have you had any ſhewn to you lately by any body?—*A.* I ſaw a Bank-note at Mr. Van-Dyke's, when I went to receive money for proviſions.

Q. Lately?—*A.* I cannot preciſely recollect the time.

Q. Was it before the captain was taken up?—*A.* After the captain was taken up.

Q. Are theſe papers now ſhewn to you, *(ſhewing him ſome pieces of written paper)*, like the papers that Van-Haberbach gave to the captain?—*A.* No, they are not Bank-notes, it is not of the ſame paper as Bank-notes.

Q. Did you ever ſee them unfolded at all?—*A.* Never in my life time.

JACOB MARIN *ſworn.—Examined by Mr. Knapp.* I am one of the ſeamen belonging to the ſame ſhip with the laſt witneſs.

Q. Do you remember ſailing from Dunkirk with the captain?—*A.* Yes.

Q. Do you know a perſon of the name of Van-Haverbach?—*A.* I know him by ſight.

Q. Do you remember ſeeing the captain and Van-Haverbach together at Dunkirk?—*A.* I only ſaw them together when the papers were given.

Q. Was Pop with you at that time?—*A.* Yes.

Q. Do you know what thoſe papers were?—*A.* I only heard ſay they were Bank-notes.

Q. Who did you ſee give any papers?—*A.* Mr. Haverbach gave papers to the captain, he ſaid, there are two Bank-notes, which I give you to purchaſe goods with.

Q. Did Van-Haverbach ſay in what country the goods were to be purchaſed?—*A.* I did not hear that.

Q. Have you ever ſeen the captain ſince he has been apprehended?—*A.* No, I have not.

PETER OVERT *ſworn.—Examined by Mr. Conſt.* Q. Did you ſail from Dunkirk with the captain?—*A.* Yes.

Q. Do you know Mr. Haverbach, of Dunkirk?—*A.* I know him by ſight.

Q. Did you ſee him with the captain before you ſailed?—*A.* Yes, upon the quay.

Q. What paſſed between Mr. Haverbach and the captain?—*A.* I ſaw him give the captain two Bank-papers to purchaſe goods with.

Q. Did you hear Haverbach call theſe papers by any particular name?—*A.* He called them Bank-notes.

Q. Have you ſeen the captain, or had any converſation with him ſince he has been taken up?—*A.* I went once to him to carry him ſome linen.

Q. Do you know any thing more that paſſed between Haverbach and the captain?—*A.* Nothing more.

The priſoner called three Dutch captains, who had known him from twelve to twenty years, and gave him a good character.

GUILTY of uttering, knowing it to be forged, Death. (Aged 55.)

Tried by a Jury of half foreigners, before Mr. Baron THOMPSON.

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184. THOMAS RADFORD and THOMAS WILLIAMS were indicted for feloniouſly ſtealing, on the 13th of January, in the dwelling-houſe of John Hartſhorne, a ſeven ſhilling piece, a Bank-note,

note, value 10l. a Bank-note, value 2l. three other Bank-notes, each of the value of 1l. and two other Bank-notes, each of the value of 5l. the property of the ſaid John Hartſhorn.

JOHN HARTSHORN *ſworn.*—I keep a houſe in Great Tower-ſtreet, I am a cheeſemonger: On the 13th of January laſt, I perceived that a locker in my ſhop had been robbed, as near as I can aſcertain, of between thirty and forty pounds, it was not broke open, it was locked when we perceived it, and by the circumſtances of the caſe, I was well aſſured it muſt be done by ſomebody in my houſe, becauſe the locker was not broke open, it had been unlocked, and locked again; this was about ten o'clock in the evening; I then had my ſervants called together, and I charged them with the robbery; and I thought it was a fair way that they ſhould undergo a ſearch; on ſearching Thomas Williams, I found a half crown piece, and I aſked him how he came by it; he then told me, it was the amount of pence and two-pences people gave him when he carried out ſmall jobs; I aſked him how he converted them into half-a-crown, but he could not tell me; I then told him, he was a thief, and ſaid, if he would not hide any thing from me, I would be as favourable as the law would permit me.

Court. Q. Did you ſay that before he had made any confeſſion at all?—*A.* I think I did.

Court. Q. Did you know any thing particular about the half-crown?—*A.* I will tell you my reaſon why I think he did not come by it honeſtly, he was a poor lad, and aſked me if I would employ him; in conſequence of his being very ſhort of clothes, I told him, I ſhould give him a little money for his pocket, and lay his wages out in clothes, till he was properly equipped out; the conſequence was, I knew he had but a few ſhillings in pocket-money, that led me to ſuſpect him; he then fell upon his knees and confeſſed that Thomas Radford, a ſoldier, was concerned with him, he then went to my ſtable, and brought me out ſome few ſhillings leſs than five pounds in money and Bank-notes hid in the wall; I don't know the notes he produced.

Court. Q. Did you take up Radford?—*A.* I did; on the Sunday, I had an officer, and took up Radford coming out of the Tower, and the conſtable brought him to my dwelling-houſe, in Tower-ſtreet, and I had them face to face, and he denied it all along.

Court. Q. Did you ſearch his quarters?—*A.* I will inform you; he denied knowing any thing about the boy, then the boy informed me, that on the Saturday morning, he ſtole two notes out of this locker, and that they bought a key on Tower-hill, to fit the locker; I cannot inform you what Bank-notes they were, becauſe there were many in the locker, to the amount of between thirty and forty pounds; and he gave the lad one of them; when he found the lad made all thoſe charges againſt him, he confeſſed, and I made him the ſame promiſes I did the lad, that I would ſhew him all the favour the law would allow me.

Court. Q. Did you get the note from him?—*A.* He told me that his wife had got the note, and if I went to her, ſhe would give it me; here is the note, it is five pounds; I know the note from the mark upon the back of it; *(the note ſhewn to the Jury);* there is a mark of 12l. upon it, an account of what I had received the day before; I was treaſurer of the Inqueſt, and I put down that mark upon it; I have got no more than this five pound note and likewiſe a two pound note, which the boy left with a watch-maker.

Croſs-examined by Mr. Peat. Q. How many others did you write upon?—*A.* I wrote upon none.

Q. Are you in the habit of writing upon them?—*A.* No.

Q. How many partners have you got?—*A.* None; I have a brother that manages for me.

Q. Does the houſe you ſpeak of belong to you?—*A.* To me.

Radford's defence. I have nothing to ſay, I leave it to my Counſel; the notes I had, I found in the ſweepings of the ſhop; I ſaw ſome papers lying, and I ſhewed them to Williams; I cannot read nor write; I gave him one; that is all I have to ſay.

Williams's defence. The note was given to me by this man, Radford, I don't know where he brought it from, he ſaid he had found it.

The priſoner, Radford, called one witneſs, who gave him a good character.

Radford, GUILTY (Aged 22.)
Williams, GUILTY (Aged 19.)
Of ſtealing to the value of 39s.
Tranſported for ſeven years.
Tried by the London Jury, before
Mr. Juſtice ROOKE.

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185 JANE LOWE was indicted for feloniouſly ſtealing, on the 20th of January, ſix ſhillings in money, the property of William White.

WILLIAM WHITE *ſworn.*—I am a taylor; I was robbed on the 20th of January: On Saturday night, about twelve o'clock or rather after, I was going up the Hay-market, I met this woman, the priſoner at the bar, and ſhe aſked me if I would give her any thing to drink; I was not quite ſober, there was another woman with her; I ſaid, I had no objection in the world; I immediately felt two women's hands round me, and I felt ſomething in my waiſtcoat pocket; I felt in my pocket, and found I had only a penny piece left, a copper piece; I believe I had ſix or ſeven ſhillings, I cannot tell exactly which; we went to a public-houſe, and I met

met with a perſon I knew, I ſent for the watch, and juſt as the watchman came to the door, I told her I was a very poor man, and ſhe returned me five ſhillings of the money; the watchman then went again upon his beat, the woman followed him; and I followed after her, and gave the watchman charge of her; I cannot ſwear to any of the money that ſhe gave me back.

PATRICK ROSE *ſworn*.—I am a watchman in the Hay-market: This man ſent for me, and at the corner of Suffolk-ſtreet, he charged this woman with robbing him; ſhe ſeeing me come into the public-houſe, gave him five ſhillings; I went up the Hay-market, and in about twenty minutes afterwards, he charged her, and I brought her to the watch-houſe.

Priſoner's defence. I was going to St. James's market, and as I was going along, I met with a woman, and the proſecutor, who aſked me to drink; I had ſeen him in the market before; I went to the bar of the Croſs public-houſe, and when they came to the bar, he ſaid, he had loſt his money, he charged me with having robbed him; I ſaid, I had five ſhillings about me, and I would give him that; and if I had had twenty pounds in my pocket, I would have given it, rather than come to ſuch an awful place as this.

The priſoner called two witneſſes, who gave her a good character.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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186. THOMAS SMITH was indicted for feloniouſly ſtealing, on the 12th of January, one half-crown piece, the money of Joſeph Coulſe.

JOSEPH COULSE *ſworn*.—I am a tin-man, a journeyman: we had a ſuſpicion of money being taken out of the till ſeveral times, and we took notice of what money we left in the till over night, and there was always ſo much taken out of the till that we had left in; and the night before the priſoner was taken up, I put ſome money into the till, and I marked it all.

Court. Q. How much money did you mark?—*A.* Four half-crowns, ſeven ſhillings, and five ſix pences; the next morning, after marking the money, I went into a room adjoining the ſhop, and I ſaw the priſoner go to the till, and take out ſomething, this was about a quarter before eight o'clock; I went and looked at the till, when he was gone to his work, and I miſſed the half-crown; the night before, I ſent to acquaint a conſtable about it, and deſired him to be in readineſs at a public houſe; I went to him, and he came to the houſe, and ſearched the priſoner, and found the half-crown upon him, he came about eight o'clock in the morning; he alſo found a pick-lock key; he took him away, and had him before a Magiſtrate.

Court. Q. What was the mark you put upon it?—*A.* I filed it on the edge; I can ſwear to it.

Croſs-examined by Mr. Jackſon. Q. Had you marked the money at any other times?—*A.* Yes; the night before that; but never before that.

Q. What mark did you put upon the other half-crowns?—*A.* I marked them with a punch; ſeveral were marked with a punch, and two were marked with a file.

Jury. Q. You ſaid, if I underſtand you right, you had prepared a conſtable on the preceding night that you were robbed, ready againſt the next morning?—*A.* Yes.

Q. Now, I believe, the priſoner is not the firſt that you have proſecuted for the ſame offence?—*A.* Never before.

Mr. Matthews. Q. Had you any other people about the ſhop?—*A.* Yes; we had another lad beſides him.

JAMES KENNEDY *ſworn*.—I am an officer belonging to Marlborough-ſtreet office: The proſecutor ſent for me on the 11th of January, and deſired me, the next morning, to wait at the Duke's-head public-houſe; I went about a quarter before eight o'clock, and the proſecutor came to me, and deſired I would go with him; I went to his father's houſe with him, and he called the priſoner at the bar out of the work-ſhop, and he told me that was my priſoner; I aſked him what he had been robbed of, and he told me a half crown-piece; I ſearched the priſoner, and found a half-crown-piece in his pocket; I ſearched him again, and took a pick-lock key out of his pocket, it was made of a piece of wire, then I took him to the Magiſtrate; I have kept the half-crown-piece from that time to this.

Court. (To Proſecutor.) Q. Look at this half-crown, is this the ſame?—*A.* I have no doubt about it, becauſe it is marked on the edge.

Mr. Jackſon. Q. When you paid him his week's wages it was not impoſſible that a half-crown, like this, might be amongſt the money you paid him?—*A.* Very unlikely; I will take upon me to ſwear that was not amongſt the half-crowns I paid him.

The priſoner did not ſay any thing in his defence.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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187. THOMAS WHITNEY was indicted for feloniouſly ſtealing, on the 3d of February, one linen table-cloth, value 1s. 6d. the goods of Thomas Horpole.

THOMAS HORPOLE *ſworn*.—I am a publican: I loſt a table-cloth on Saturday night the 3d of February, Thomas Whitney was at my houſe drinking

ing a pint of beer, and he went backwards and put a ſmall table-cloth into his pocket, I did not ſee him do it, but the next morning I ſaw it in his pocket, this happened about half an hour paſt ten at night; my ſervant ſaw him go into the next houſe to lodge, and my ſuſpicions fell upon him, and I went to the next houſe and found the table-cloth; I aſked him how he came by it, and he ſaid he did not know; I knew it to be mine by the marks; I made him bring it down ſtairs into the tap-room, I ſent for a conſtable and had him taken up; I have kept it from that time to this. *(Produces it.)*

Court. Q. What mark is there upon it?—*A.* The letter H, I can ſwear to it by that, and a ſmall rent in the ſide.

Priſoner. Q. Did you ſee me take it away?—*A.* I did not.

CHARLES WALPOLE *ſworn.*—I am a conſtable belonging to St. Margaret's, Weſtminſter: On the 4th of February, Mr. Harpole ſent for me, and ſaid he had been robbed of a table-cloth; I went to his houſe, and the man was there; I ſaw the table-cloth, and it has been in Mr. Harpole's cuſtody ever ſince.

Priſoner's defence. I was at this perſon's houſe the night before, along with a number of people, and they were much intoxicated, and I was ſo myſelf; I think they muſt have put it into my pocket, I ſhould not have taken it away.

Court. (To Proſecutor.) Q. Were there a number of perſons together making merry?—*A.* There were none in his party.

GUILTY (Aged 36.)

Publicly whipped, and diſcharged.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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188. CHARLOTTE WALKER was indicted for feloniouſly ſtealing, on the 21ſt of January, 3s. in money, the monies of Thomas Creſwell.

THOMAS CRESWELL *ſworn.*—I work in the leather line: I was coming down Drury-lane, about five o'clock in the morning, I had been in bed, but was taken very ill, and was obliged to go down ſtairs; as I was going to get ſomething to drink, I met this woman in the ſtreet, and ſhe cloſed her arms round me, and while I was defending myſelf and puſhing her off, ſhe put her hands into my pocket and took out three ſhillings, and left two counterfeit halfpence in the room of the money, it was the left-hand pocket of my breeches; I called the watchman immediately, and we went to the watch-houſe; while we were going, a woman joined her, and walked by the ſide of her for the ſpace of ten or fifteen yards, I ſuſpected ſhe had received the money from the priſoner; when ſhe was ſearched at the watch-houſe ſhe had no ſhillings about her, only a counterfeit dollar.

Court. Q. When had you occaſion to look into your pocket before this?—*A.* I had my hand in my pocket, and the money, when I met her.

Q. Were you ſober?—*A.* Yes, I was; the conſtable of the night ſaw I was ſober when I gave charge of her.

Q. When was this?—*A.* On the 21ſt of January.

THOMAS ADAMS *ſworn.*—I am a watchman: Cloſe by my box I heard this man crying out watch, I went where he was, and he gave me charge of her; I found nothing in her pocket but a counterfeit dollar, and two bad halfpence; there was a woman that followed us beſt part of the way to the watch-houſe, they were cloſe together. I drove her off.

Priſoner's defence. About five o'clock in the morning, I was going for ſome raiſin wine for a poor woman who had been poorly for ſome time, and as I was going into the houſe for it, the proſecutor came out with three other women, and he aſked me if he ſhould go home with me; I told him, no, and then he called the watch, and ſaid I had robbed him; I told him, how can you ſay that you have been robbed, when you know the women ſaid you had hardly money enough to pay for the laſt liquor you called for; he ſaid, I had robbed him of three ſhillings, and he pulled me about a good deal.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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189. WILLIAM INGRAM was indicted for feloniouſly ſtealing, on the 11th of February, forty pounds of mutton, value 10s. the goods of Thomas Barnes.

THOMAS BARNES *ſworn.*—I am a butcher, I was robbed on Saturday night, the 10th of February, about half after eleven o'clock; the mutton was taken from the front of my ſhop, I did not ſee the priſoner take it, the next morning the watchman ſtopped the priſoner with it, I ſaw it at the watch-houſe, it was a whole carcaſe of mutton, it weighed about forty pounds, or thereabouts.

HENRY WADE *ſworn.*—I am a watchman belonging to St. James's pariſh; between the hours of twelve and one o'clock, I ſtopped the priſoner, near Hopkins-ſtreet, Golden-ſquare, with the property upon his ſhoulder, I aſked him where he had brought it from, he told me, from Oxford-market; I told him, if he would not ſatisfy me, he muſt go to the watch-houſe, and give a better account of it; at the top of Greene's-court, juſt facing Brewer's-ſtreet, he threw it down, and ſaid, he would not carry it any further; I ſaw another of my brother watchmen, and called him to take charge of the priſoner, I took up the mutton, and carried it to the watch-houſe, I ſaw the proſecutor

at

at the watch-houſe about nine o'clock the next morning, and he claimed the mutton.

—— JOLLY *ſworn.*—I work for Mr. Barnes; I dreſſed the ſheep, I ſaw it juſt as the watchman went twelve o'clock, I was called in to ſupper, and when I came out again, the ſheep was gone, I went in, and told my maſter the ſheep was ſtolen; I ſaw the ſheep the next day, I know it from a hundred, for when I cut it down, the fat fell, and let the kidneys down, and it was ſkewered up, and the ſkewer was in it exactly as I ſkewered it.

Priſoner's defence. As I was coming down Carnaby-ſtreet, there was a man dreſſed in a ſtriped jacket, and white apron, he had got this ſheep upon his back; as I was paſſing him, he ſaid, butcher, if you will take this ſheep to Compton-ſtreet, I will give you a ſhilling, I took the ſheep, and as I was going along, the watchman ſtopped me with it.

GUILTY. (Aged 27.)

Confined ſix months in the Houſe of Correction, and fined 1s.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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190. JOHN UPTON was indicted for feloniouſly ſtealing, on the 26th of July, one linen ſheet, value 5s. the goods of Patrick Bradley.

PATRICK BRADLEY *ſworn.*—I let lodgings ready furniſhed; in March 1796, I let the priſoner a furniſhed room, up two pair of ſtairs, at three ſhillings a week; he went away in July laſt, there were ſeveral things miſſing out of the room, I met him afterwards, and he returned ſome of the things, the ſheet ſtill remained miſſing; I heard he went into the country, and when he came to town, I took him before a Magiſtrate, at Worſhip-ſtreet office; I charged him with taking the ſheet, it is now in Court, I know it to be mine by the different marks upon it; there is P. B. M. I can ſwear to it by that mark.

ALEXANDER LEE *ſworn.*—I am a pawn-broker; I produce the ſheet, it was pawned with me, on the 13th of April, by a woman, who called herſelf Mary Upton, I gave the woman a duplicate.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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191. THOMAS LEE was indicted for feloniouſly ſtealing, on the 22d of January, one linen table-cloth, value 2s. the goods of Richard Dawkins.

ANN DAWKINS *ſworn.*—I am the wife of Richard Dawkins, who keeps a public-houſe; I loſt a table-cloth on the 6th of November, Mr. Bly came into my houſe, and aſked me, if I had loſt a table-cloth, I looked and found I had; I ſaw the table-cloth the ſame day, I know it to be mine by the mark, there is the whole name of Richard Dawkins ſtamped upon it, the colour of the letters are red, I will ſwear it is my property, the priſoner was quartered at our houſe at that time.

JOHN BLY *ſworn.*—I am a conſtable belonging to St. James's, Weſtminſter; I went to Mr. Brown's, the pawn-broker's, I ſaw a table-cloth there, marked R. Dawkins, he lives in St. Margaret's pariſh; I did not take it away, but I gave information to Mrs. Dawkins, I know it again, I ſaw ſome of the ſame kind at her houſe, marked in the ſame way.

JAMES COURTNAY *ſworn.*—I am ſhopman to Mr. Brown, I produce a table-cloth; Ann Gould brought this table-cloth to pawn, on Monday the 22d of January, about twelve o'clock, I have kept it from that time to this, our houſe is about a quarter of a mile from the houſe of Mrs. Dawkins.

ANN GOULD *ſworn.*—I was in a public-houſe, having ſome beer, at the Green-man and Still, the corner of Bear-ſtreet, Weſtminſter, and a ſoldier came to me, and aſked me, if I would go and pawn the cloth; I aſked him if it was his, and he ſaid, yes; he told me to get as much upon it as I could, I went to Mr. Brown's, and aſked two ſhillings for it; Mr. Brown aſked me, whoſe it was, I told told him, a ſoldier's, and that he was at the Green-man and Still, he told me to go and ſend him to him, and the ſoldier went immediately to Mr. Brown's, that is all I know about it; I have ſeen him before, but have no acquaintance with him.

Court. Q. How came you to be made a witneſs?—*A.* The pawnbroker knew me, I have lived near him about nine years.

Q. *(To Courtnay.)* Did the priſoner come to your houſe?—*A.* Yes; I aſked him where he lived, and he told me, he lived at a public-houſe, Prince's-ſtreet, he ſaid, his name was Dawkins; I went to the houſe where he told me he was quartered, but could not find any ſuch perſon; we ſtopped the ſheet, I told him, I would make inquiries about it, and if he came by it honeſtly, he ſhould have it again.

Mrs. Dawkins. This is my property, I have others at my houſe of the ſame ſort.

Priſoner's defence. I got up to work in the morning, and I found it.

GUILTY (Aged 28.)

Judgment reſpited to go into the army or navy.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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192. WILLIAM SAUNDERS and WILLIAM CHAMPNESS were indicted for burglariouſly breaking and entering the dwelling-houſe of William Taylor, on the 5th of February, with intent to ſteal his goods.

WILLIAM

WILLIAM TAYLOR *ſworn.*—I live at No. 4, New Pye-ſtreet, Weſtminſter; on the 5th of this month, at half paſt ten o'clock at night, I was not gone to bed, I heard a noiſe in the paſſage, and at the door of the houſe; I took a candle and went out to ſee what the matter was, and I found the watchman and Saunders in the paſſage together; the watchman aſked me, if I knew him; I told him, I did not; he told me, he believed he had not come there with any good intention, and deſired me to ſtop by him, till he went into the yard to ſee if there was any other perſon about the place or not; the watchman went and looked, and he returned again, and found nobody; he ſaid, he was ſtill doubtful that he might have ſome confederates, and deſired me to look about the houſe; my wife took a candle and went up ſtairs, when ſhe had got almoſt up to the top, ſhe called down to me, and told me, that there was ſomebody upon the ſtairs; I immediately went up ſtairs, and I found Champneſs upon the landing-place of the two pair of ſtairs; I aſked him what he was doing there at that time of night, he told me, that he wanted ſerjeant Miller; I told him, that ſerjeant Miller did not live there, and I deſired him to be ſo good as to walk down ſtairs; I gave him a direction where ſerjeant Miller lived; as ſoon as he came down ſtairs, the watchman ſaid he knew this young man well, then I told them, they might go about their buſineſs.

Court. Q. When you went up to bed, what kind of ſecurity did you leave your houſe in—in what way were the doors faſtened?—*A.* I ſleep down ſtairs in the parlour.

Q. How were the doors faſtened?—*A.* They were faſtened with a bolt.

Q. What did you go up ſtairs for?—*A.* Becauſe the watchman ſaid, he thought he had confederates with him.

Q. What ſituation was the door and windows in?—*A.* The front door was upon the latch before I went to bed; when I was going to bed, it was nearly eleven o'clock, the watchman came to the door, and knocked at the door again, and he aſked me, if I had loſt any thing, I told him, I had not, he ſaid, he was very glad to hear it, for he had a very great ſuſpicion of them; that was all that paſſed between us, then the watchman went away, and I faſtened the door; by the watchman ſaying to me, he had a great ſuſpicion of them, a thought ſtruck me of this room where the clothes were hanging, I took a candle and went up ſtairs, and I found the room door open, there were ſome ſhirts hanging up to dry, and ſome taken off.

Court. Q. What was become of thoſe ſhirts?—*A.* There were ſome laying on the floor, they were rolled together apparently, I have nothing farther to ſay.

Croſs-examined by Mr. Knowlys. Q. Are you the owner of the houſe?—*A.* I rent the houſe.

Q. You don't keep the houſe entirely to yourſelf, you let it out to a number of lodgers?—*A.* I do.

Q. And till a certain hour arrives, the door is only kept on the latch?—*A.* Only on the latch.

Q. Therefore your locking-up time was not arrived, for near half an hour?—*A.* I ſometimes lock up the houſe at nine, and ſometimes later.

Q. Any of your lodgers coming into the houſe, might have left the door open?—*A.* I believe I was the laſt man up in the houſe.

Court. Q. How long was it, from the time of your going up ſtairs, to the time of your going to bed?—*A.* It was half an hour.

Mr. Knowlys. Q. You yourſelf will not ſwear, that the door might not be left accidentally open by the lodgers coming in, and the man might come in by the door being open?—*A.* Such a thing might be done; when I came in, I left it upon the latch.

Q. It is very poſſible one of your lodgers might have left the door open, and this man have come in?—*A.* It might be poſſible.

Q. The man Champneſs enquired when you ſaw him for ſerjeant Miller, where does he live?—*A.* He lives within one hundred yards, in another ſtreet in the neighbourhood, and I directed him to ſerjeant Millar, on the watchman ſaying he knew him.

Q. In point of fact, the young man is decently connected?—*A.* I know nothing to the contrary.

ROBERT GREENLAND *ſworn.*—I am a watchman of St. Margaret's: About half-paſt ten o'clock, I was going round on the 5th of this month, and I came to the houſe of the laſt witneſs, I ſaw Saunders ſtanding at the door, I aſked him what he did there, he told me he was waiting for a man coming down ſtairs, I immediately took him by the collar, and ſhoved him into the paſſage, and bolted the door upon him; in the buſtle I called out for ſerjeant Taylor, and he came out to my aſſiſtance; I aſked ſerjeant Taylor if he knew him, he ſaid he did not; upon looking backwards, I found the yard door open; I told the ſerjeant to look after the priſoner; I went into the yard, but found nothing at all; I ordered ſerjeant Taylor to go up ſtairs, to ſee if any body was there, the ſerjeant took a candle and went up ſtairs, and brought down the priſoner Champneſs, I was quite ſurpriſed to ſee him come down ſtairs.

Court. Q. Did you know Champneſs before? *A.* I knew Champneſs from a child; I aſked him what buſineſs he had there, and he told me he came after one ſerjeant Miller; then I aſked ſerjeant Taylor what he meant to do with them, and immediately ſerjeant Taylor ſaid, there is nothing upon them, let them go about their buſineſs.

Croſs-

Croſs-examined by Mr. Knowlys. Q. At the time you ſaw Saunders, the door was open?—*A.* The door was open when I found him, he was ſtanding inſide of the door, with the door open.

Q. You knew Champneſs before?—*A.* Yes.

Q. He was a lad very reputably connected, and his father likewiſe?—*A.* Yes; he told me the ſame ſtory he told the ſerjeant, that he thought ſerjeant Miller lived there.

ELIZABETH BACON *ſworn.—Court.* Q. What do you know about this buſineſs?—*A.* I was the perſon who hung the ſhirts up upon the line, there were eighteen, I left them there about ſeven o'clock, they were all ſafe then, to the beſt of my knowledge; they were in a one pair of ſtairs back room.

Croſs-examined by Mr. Knowlys. Q. This was Taylor's linen was it not?—*A.* Yes.

Q. Mrs. Taylor took care of them?—*A.* Yes.

Q. She was at home that evening?—*A.* Yes.

Q. You cannot tell how often ſhe went up to the room that evening?—*A.* I cannot.

JAMES BLY *ſworn.*—I know nothing as to the fact; I apprehended Champneſs the morning after; I know nothing more about it.

Mr. Knowlys. Q. You found him at his father's houſe?—*A.* Yes, I did.

—— WATMORE *ſworn.*—I am a conſtable belonging to St. Margaret's pariſh, Weſtminſter: It was my night to ſet up, on the 5th of February, the priſoner Saunders was brought in by the watchman, he ſaid he had taken him up upon ſuſpicion, finding him at ſerjeant Taylor's door; I ſearched him, and found nothing about him but an old black handkerchief; that is all I know about it.

Court. Q. *(To Taylor.)* You firſt of all ſaid you was the laſt perſon up in the houſe, when this buſtle happened, were all your lodgers in the houſe?—*A.* I cannot pretend to ſay.

Q. How many people were up in the houſe then?—*A.* This woman was there, my wife and myſelf, and another man.

Q. Was he in your houſe at that time?—*A.* In my houſe at that time, they were all in the parlour together.

Q. Was that woman there at the time of the firſt buſtle?—*A.* Yes.

Court. Q. *(To Elizabeth Bacon.)* You were in the houſe at the time this buſtle happened of the watchman coming in?—*A.* Yes, I was in the parlour.

Q. Who was with you?—*A.* I know nothing of the man; ſerjeant Taylor was with me in the parlour, and his wife.

Q. *(To Taylor.)* Who was this man?—*A.* A friend of mine, we were all four there at the time of the buſtle.

Mr. Knowlys. Q. *(To Taylor.)* How many lodgers have you?—*A.* I have three families live in the houſe.

Court. Q. Were all thoſe families in bed, or up ſtairs, when this buſtle happened?—*A.* To the beſt of my knowledge they were, I cannot be poſitive.

Q. Did none of theſe perſons that were with you in the parlour open the ſtreet door?—*A.* No, I don't recollect they did, they were all three in the room.

Mr. Knowlys. Q. *(To Elizabeth Bacon.)* Do you know of any perſon that was in the parlour going out to open the ſtreet door?—*A.* No, I do not.

Q. Do you know whether the reſt of the families were in bed at this time or not?—*A.* I cannot ſay whether they were all up ſtairs at that time.

Q. *(To Taylor.)* You believe all the reſt of the families were gone up ſtairs at the time this buſtle was diſcovered at the door?—*A.* I know nothing to the contrary, I cannot pretend to ſay.

The priſoners made no defence, but Champneſs called two witneſſes, who gave him a good character.

Both NOT GUILTY.

Tried by the third Middleſex Jury, before Mr. Juſtice ASHHURST.

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193 CHARLES COLLINS was indicted for feloniouſly ſtealing, on the 31ſt of January, a linen ſhirt, value 3s. a woollen apron, value 12d. and a pair of worſted ſtockings, value 12d. the goods of William Delaney.

WILLIAM DELANEY *ſworn.*—I live juſt by the Pantheon; I loſt the articles in the indictment, on the 30th of January, it was on a Tueſday; I brought them from my waſherwoman, and ſet them upon the tap-room table, and Charles Collins took them from the table, and put them upon the ſeat behind him; it was in the houſe I lodge in.

Court. Q. What did the priſoner do with them?—*A.* On going to bed he took them up ſtairs with him.

Q. When did you firſt diſcover you had miſſed your things?—*A.* The next morning, I did not miſs them over night, he was in the tap-room at the time.

Q. Did you ſee any other perſons in the tap-room?—*A.* Yes, there were ſome others; I aſked for my things, and the maid told me ſhe ſaw Cha. Collins take them; I had him taken to Marlborough-ſtreet.

Q. Did you ever ſee thoſe articles you loſt?—*A.* Yes; I ſaw them in Marlborough-ſtreet the next morning after they were loſt.

MARY ROSE *ſworn.*—I am ſervant at the public-houſe; the name of the public-houſe is the ſign of the Crown.

Court. Q. Were you at home on Tueſday the 30th

30th of January, when Mr. Delaney loſt his property?—*A.* Yes.

Q. Did you ſee him bring the property into the tap-room?—*A.* No; I ſaw the priſoner at the bar take the bundle off the tap-room table, and lay it upon the bench, between the hours of nine and ten, I did not ſee what was in it; after ſome time he went up ſtairs to bed, the priſoner is a lodger in the houſe, that is all I know about it.

Court. Q. Did he take it up with him to bed?—*A.* Yes; I ſaw him do it.

Q. What ſized bundle was it?—*A.* It was a ſmall bundle; it was in a handkerchief, I cannot tell the colour.

Q. Was the other man in the room, Delaney?—*A.* No; he was gone up ſtairs to bed at the time; I did not take any notice to any body, till I was aſked the next morning about it.

Q. What paſſed the next morning?—*A.* Mr. Delaney aſked me if I had ſeen a bundle, and I told him I had.

Q. Did you ever ſee it in the priſoner's room?—*A.* No.

Court. Q. Are theſe articles mentioned in the indictment your property?

William Delaney. Theſe articles are mine—a ſhirt, a woollen apron, and a pair of worſted ſtockings; they were all tied up in a handkerchief, it is a red handkerchief with white ſpots.

JONATHAN M'CARTHY *ſworn.*—I am a pawnbroker's ſervant; I produce a ſhirt, and a handkerchief round it, a coloured cotton handkerchief,; I took it in on the 1ſt of February of the priſoner at the bar, in the morning about nine o'clock.

Court. Q. What did you lend upon it?—*A.* Two ſhillings; I gave a duplicate to the priſoner; I never ſaw the priſoner before, I am ſure it is the ſame perſon; I have kept the things from that time to this. *(Produces them.)*

Q. (To Delaney). Is this your property?—*A.* This is my property; there is no mark upon it, but I know it to be my property, becauſe juſt at the bottom there is a little of the rim to be ſeen; it was made for me, I can ſwear to it; that is my handkerchief, it is a figured cotton, there are white ſpots in it, I can ſwear to it.

EDW. CALVER *ſworn.*—I am a pawnbroker's ſervant; I produce a woollen apron, and a pair of worſted ſtockings; they were pawned on the firſt of February by Charles Collins; I can ſwear to his perſon.

Court. Q. Did you deliver a duplicate?—*A.* Yes; I lent one ſhilling on them; our houſe is in Drury-lane, my maſter's name is David Lloyd.

WILLIAM PRICE *ſworn.*—I belong to Marlborough-ſtreet office: I apprehended the priſoner on the firſt of February; Mr. Delaney came to the office and told me he was robbed; I immediately went with him, and found the priſoner at the Crown, in Oxford-ſtreet, and he gave charge of him; he told me, when I was ſearching him, he would tell me where the duplicates were, he told me they were in a glove at the bottom of Blenheim-ſteps; I found the duplicates in this glove, there are two duplicates.

Court. Q. Had you made him any promiſe of favour?—*A.* No; I aſked him what he had done with the money, 2s. on one duplicate, and 1s. on the other; he ſaid he would ſhew me where the money was; I went to the Crown ale-houſe, up two pair of ſtairs, and, on the landing-place, in a flower-pot, I found 1s. two 6d. ten pennyworth of halfpence, and two farthings; he ſaid he had had only a pennyworth of purl, and a halfpennyworth of gin in it out of the money. *(The duplicates produced, one is in his own name).*

Q. (To M'Carthy). Is this your duplicate?—*A.* Yes; this contains only the ſhirt, the handkerchief he left to wrap the ſhirt in, I did not mention that on the ticket.

Q. (To Calver). Is that your duplicate?—*A.* This contains an apron and hoſe, this correſponds with my tickets.

Priſoner's defence. I am ſorry for what I have done, I never did ſuch a thing in my life before.

GUILTY (Aged 47.)

Privately whipped and diſcharged.

Tried by the third Middleſex Jury, before Mr. RECORDER.

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194. JAMES FREITER was indicted for ſtealing, on the 18th of January, a cotton waiſtcoat, value 5s. the property of Charles Wooller.

CHARLES WOOLLER *ſworn.*—I was ſervant to a captain belonging to a man of war, who was ſhot the ſecond broad-ſide, and I was wounded: I employed a man to carry a bundle from Charing-croſs to Wapping ſtairs; I am diſcharged from the ſervice; he was a ſtranger to me; we went together, and going along the road I miſſed him for about half an hour, and could not find him; when I found him, he told me that the Cuſtom-houſe officer had took him into cuſtody to ſearch him, to ſee if he had any ſmuggled goods; he went home to the houſe with me, and I paid 18d. for carrying it; as ſoon as I got into the houſe, I opened the bundle, and miſſed the waiſtcoat out of the bundle; I purſued after him that night, but could not catch him; the next day I went down to Charing-croſs.

Court. Q. Was it a cotton waiſtcoat?—*A.* It was a kind of an India waiſtcoat *(produces it)*; I ſaw him the next day at Charing-croſs, I aſked him if he was not the man that carried the bundle for me, and he denied it.

Court. Q. Had you any doubt about it?—*A.* No;

No; I knew it was the man, he denied it, and ſaid he was not the man; I inſiſted upon it that he was the man, and he took me by the collar and uſed me very ill; ſome gentleman came by and told me I muſt get a conſtable and take him up; I could not get a conſtable, but I took him up with another man, I then went to the Juſtice's, and the Juſtice ſaid I muſt appear again at eight o'clock.

Q. Do you know the man's name that ſhewed you the waiſtcoat after it was loſt?—*A.* I ſaw it in this man's hands that bought it, I don't know his name.

Q. How ſoon after you miſſed it, did you ſee it in that man's hands?—*A.* The day after it was ſtolen.

Priſoner. *Q.* Did you hire me as a porter?—*A.* Yes, I did.

Q. (To Wooller). How was this bundle tied up?—*A.* It was tied up in a handkerchief.

RICHARD AINSWORTH *ſworn.*—I belong to the Queen's ſtables; I was drinking a pint of porter, with a friend, at the Mew's-gate, and the priſoner brought the waiſtcoat in, it was upon the 18th of January, about half after nine, or very nigh ten o'clock at night.

Q. (To Wooller.) What time of the day did he go to Wapping with you?—*A.* About ſix o'clock in the evening.

Ainſworth. I aſked him the price of it, he aſked me half-a-crown; there were a great many in company looked at it, ſome tried it on; I knew the man very well, he was a very poor man, he had got a wife and four children; I took pity on him, and gave him half-a-crown for it.

Court. *Q.* Did you not aſk this man how he came by ſuch a waiſtcoat?—*A.* I aſked him if it was his own property, and he ſaid, yes; I have known him about three years; I have been in the Queen's ſervice five-and-twenty years. This is the ſame waiſtcoat that I bought of the priſoner.

WILLIAM HAYNE *ſworn.*—I am a conſtable: I had the waiſtcoat from Bow-ſtreet, Mr. Bond, the ſitting Magiſtrate, deſired I would take it to Mr. Ainſworth; I have kept it from that time to this.

Q. (To Mr. Ainſworth.) How came you to carry it to Bow-ſtreet?—*A.* I was out with the coach, and when I returned, the landlord of the houſe came and told me, that the waiſtcoat belonged to the black; I met the black, and I told him I had bought a waiſtcoat, and I believed it belonged to him; I went to Bow-ſtreet with the waiſtcoat under my arm.

Priſoner's defence. This man came and hired me as a porter, from Charing-croſs; he took me up three pair of ſtairs, in Johnſton's court, there were three women of the town there; I took the bundle, and went directly with him, I never was out of ſight of him till I carried it to Wapping; we called at a public-houſe and had a pint of beer; when I delivered the things into his poſſeſſion, he ſaid, they were all right, I returned back to Charing-croſs directly. GUILTY (Aged 33.)

Confined ſix months in the Houſe of Correction, publickly whipped, and diſcharged.

Tried by the third Middleſex Jury, before Mr. RECORDER.

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195. SARAH TURNER was indicted for feloniouſly ſtealing on the 16th of January, two cotton gowns, value 10s. two linen ſhifts, value 2s. a flannel petticoat, value 6d. and two cotton neck handkerchiefs, value 2s. the property of Mary Curtis.

MARY CURTIS *ſworn.*—I live with my maſter, his name is Peele, he is a poſtman, No. 24, Holywell-yard: I was robbed on Tueſday the 16th of January, the priſoner was a ſtranger; the property was taken from the kitchen, it was in a box, it was not locked, I did not ſee the priſoner in the houſe; I miſſed my things between five and ſix o'clock in the evening, I have ſeen them ſince at a pawnbroker's in Oxford ſtreet, it was on the ſame day I loſt them; between ſeven and eight the ſame evening, I brought them from the pawnbroker's.

CHARLES PEELE *ſworn.*—I am a poſtman, I was the maſter of the girl at that time: On the 16th of January, when I came from work, the girl ſaid, there had been a thief in the kitchen; I ſearched the box, and found thoſe things gone; I went to the pawnbroker's, his name is Makeweight, the bottom of Oxford-ſtreet; I ſaw the priſoner in the pawnbroker's ſhop, with the gown in her hand, it was a cotton gown; we then went to her lodgings, and found the other gown, the petticoat, and two pair of ſtockings, under her bed, and the tail of a cotton gown, and two neck-handkerchiefs; one ſhift we never found at all; the conſtable then took her into cuſtody.

WILLIAM BROWN *ſworn.*—I am a conſtable belonging to Mary-le-bonne; I was at the pawnbroker's, I brought the ſhift and gown from the pawnbroker's, I went to the priſoner's lodgings, I found a cotton gown, a tail of a gown, a flannel petticoat, and two handkerchiefs, I marked them all, and the girl has had them ever ſince.

Proſecutor. I can ſwear thoſe articles are my property, the two neck handkerchiefs I made, and have worn them two years, the gowns are of two figures, they are both mine, the petticoat I made.

Priſoner's defence. I have nothing at all to ſay, I am only ſorry I did not do it effectually.

GUILTY (Aged 25).

Tranſported for ſeven years.

Tried by the third Middleſex Jury, before Mr. RECORDER.

196. ANN

196. ANN BAYLIS was indicted for ſtealing, on the 20th of March, two muſlin handkerchiefs, value 8d. and two cotton handkerchiefs, value 2d. the property of Haygarth-Taylor Hodgſon; ſhe was alſo detained on the oath of Haygarth-Taylor Hodgſon, for ſtealing two muſlin aprons, the property of Eleanor Baines.

HAYGARTH-TAYLOR HODGSON *ſworn*. — I keep a houſe, No. 6, Great Mary-le-bonne-ſtreet, the priſoner at the bar lived ſervant with me, for upwards of nine months, we had her from Gerrard-ſtreet, we miſſed ſeveral things during the time, but having a good opinion of her, did not ſuſpect her, after ſhe left me, ſeveral things we alſo miſſed, and hearing ſhe was come to live in the neighbourhood, we had a handkerchief brought by a Mrs. French, who was houſekeeper in the houſe where the girl lived, it was a muſlin neck handkerchief; in conſequence of that, my wife and I went to the houſe where ſhe lived, we knocked at the door, and the priſoner let us in; I followed her cloſely down ſtairs to the room of the houſekeeper, where I told her ſhe muſt be very conſcious of what my buſineſs was there; the handkerchief was ſhewn to her, which ſhe ſaid was her's, we aſked her to let us ſee what things ſhe had in her boxes, ſhe ſaid, ſhe had nothing but her own, and ſhe ſhould not ſhew them; upon that I went to Marlborough-ſtreet, and got an officer, and apprehended her, ſhe then let us ſearch her boxes, and the articles we found, that are mentioned in the indictment, except the handkerchief, I found a muſlin handkerchief, a cotton handkerchief, and two muſlin aprons; the officer took them, and has had them ever ſince.

Croſs-examined by Mr. Alley. Q. This girl lived with you about ten months ago?—*A.* Yes.

Q. When the box was ſearched, there was nothing that you could ſwear to?—*A.* There was not.

Q. Were there any marks upon this handkerchief?—*A.* Yes, there were.

Q. Was not this box ſearched when ſhe left your houſe?—*A.* No, it was not.

ELIZABETH HODGSON *ſworn*.—I am wife to the laſt witneſs, I know the articles, I ſaw the handkerchief that was brought by the woman, her name is French; I have not got it, the officer has it; I ſaw the other articles taken out of the box, and a great many more things, which I did not ſwear to.

Croſs-examined by Mr. Alley. Q. Madam French brought you this handkerchief?—*A.* Yes.

Q. Mrs. French came backwards and forwards to your houſe?—*A.* No; I had no acquaintance with her.

Q. She came to tell you ſhe had got a handkerchief?—*A.* Yes, ſhe did.

Q. I want to know the reaſon Madam French did not come to day?—*A.* I do not know.

Q. You never ſaw this handkerchief in her poſſeſſion?—*A.* Yes I have.

Q. I aſk you, on your oath, whether you ever ſaw the handkerchief in the priſoner's poſſeſſion?—*A.* Yes, I did, after it was taken into the kitchen.

Q. Have you never given the priſoner an old pocket handkerchief?—*A.* I never did.

ABRAHAM BERRY *ſworn*.—I am an officer belonging to Marlborough-ſtreet: I was preſent when the priſoner's box was ſearched; I found a cotton pocket handkerchief and two muſlin aprons; the handkerchief that came from Mrs. French was delivered to me by Mrs. Hodgſon; they have been in my care ever ſince.

Mr. Hodgſon. I can ſpeak to the pocket handkerchief, being one that I had worn pretty often, there is an J. P. at the corner, it is a figured one.

Mr. Alley. Q. This handkerchief was a love gift?—*A.* No, it was not.

Q. Do you mean to ſwear, upon your oath, that was your handkerchief?—*A.* Yes, I do mean to ſwear I had ſuch a handkerchief as this; there is no mark upon the apron, but it belonged to a ſiſter of mine, we gave it to Elizabeth Baines.

Mrs. Hodgſon. I can ſwear to the handkerchief brought by Mrs. French, by a mark made with my own hair in the middle of it; the other muſlin handkerchief that is my property, I know it by a darn there is in the ſide of it, I darned it myſelf; the cotton pocket handkerchief I know that to be Mr. Hodgſon's; the two muſlin aprons both of them I know to be the property of the young woman; one of them was mine, the other I know by a darn in one ſide, and by the pattern likewiſe.

Court. Q. How long had ſhe been at your houſe?—*A.* About nine months.

Mr. Alley. Q. The handkerchief that was marked, was the handkerchief that Mrs. French brought?—*A.* Yes.

Q. The handkerchief was not marked when you found it?—*A.* No.

ELIZABETH BAINES *ſworn*.—I have lived in the houſe of Mrs. Hodgſon better than fourteen months; during that time I loſt two muſlin aprons; this is my apron, I know it by a mark at the bottom; the other is mine, there is a darn upon the ſide of it; I miſſed them during the time the girl lived in Mrs. Hodgſon's ſervice.

The priſoner made no defence, but called two witneſſes, who gave her a good character.

GUILTY (Aged 33.)

Confined twelve months in the Houſe of Correction, privately whipped, and diſcharged.

Tried by the third Middleſex Jury, before Mr. RECORDER.

197. JAMES

197. JAMES RITCHIE and JOSEPH PENNY were indicted for feloniouſly ſtealing, on the 10th of January, 42lb. weight of tallow, value 14s. the property of Ralph Keddy.

Second Count. Laying it to be the property of Robert Meldrum.

Third Count. Laying it to be the property of certain perſons to the Jurors unknown.

(The indictment was ſtated by Mr. Jackſon, and the caſe opened by Mr. Knowlys.)

JOHN BIGGIN *ſworn.—Examined by Mr. Jackſon.* I am mate of the ſhip Commerce, from Peterſburgh, Capt. Meldrum: She was laden with Ruſſia tallow; Ritchie was an apprentice, Penny is out of his time, they both belonged to the ſhip.

Q. Lumſdale was likewiſe an apprentice?—*A.* Yes; on the 10th of January, I ſent Lumſdale on ſhore, Ritchie went with him; the next morning I miſſed ſome tallow, and a bag that it was in; Lumſdale ſtaid longer than ordinary, and I enquired of Ritchie, why Lumſdale did not come on board, and he ſaid he was not come back; he told me that he was gone on ſhore with ſome cook's fat; I ſaid, it was moſt likely ſome of the tallow out of the ſhip's cargo, and he told me it was, that was all that paſſed between us that night.

Q. Lumſdale did not return on board that night?—*A.* No; and the next morning I miſſed the fat.

Croſs-examined by Mr. Gurney. Q. How long had theſe young men been on board?—*A.* A twelvemonth.

Q. During that time, have they not borne an exceeding good character?—*A.* I never had any reaſon to ſuppoſe the contrary.

JOHN LUMSDALE (the accomplice) *ſworn.—Examined by Mr. Knowlys.* Q. What age are you?—*A.* Sixteen.

Q. Were you ſailor-boy on board the ſhip Commerce?—*A.* Yes; on the 10th of January, between ſix and ſeven o'clock, Ritchie and Penny brought a bag of tallow into the half-deck, between the pumps and the main-maſt, and it was agreed that I was to go on ſhore with it; I was ordered to go on ſhore for half a gallon of beer for the Cuſtom-houſe officers; Ritchie went with me; we got the lend of the Charlotte's boat, that laid alongſide of us; Penny gave the tallow into the boat to Ritchie.

Q. Where did the Commerce lie?—*A.* At New Crane, on this ſide of the river; we rowed to King James's ſtairs, Shadwell; I got out of the boat, and Ritchie gave me the tallow, and I went to Mr. Archer's with it; Ritchie deſired me to go there.

Q. What ſort of a ſhop does he keep?—*A.* A tallow-chandler's ſhop, in Star-ſtreet, near King James's ſtairs.

Q. Were you in your ſailor's clothes then?—*A.* Yes, I was in the ſame dreſs that I am in now; after I had juſt entered into Star-ſtreet, there was a man of the name of Melkin aſked me what I had, and where I was going to; I ſaid, what was that to him, and went into Mr. Archer's ſhop; I put the bag behind the half-door, it is a door that divides into two.

Q. Who was in the ſhop?—*A.* A little girl.

Q. Nobody elſe?—*A.* No; I told the girl I had brought ſome tallow; ſhe ſtamped with her foot, and Mr. Archer was coming up, when Melkin came into the ſhop; then he took hold of the bag, and aſked what was in it, and dragged it to the door; Mr. Archer came up out of the cellar at the ſame time; ſome words paſſed between Archer and Melkin, but I cannot tell what they were; I ſaw Archer put ſomething into Melkin's hand; I could not hear what paſſed; Melkin then threw the bag into the cellar, and went away then as I thought; but he ſays ſince that, he did not; the mouth of the bag was looſe, and the tallow fell out as he was throwing it down the cellar.

Q. What weight might there be, do you think?—*A.* About forty pounds; Archer and a young man were in the cellar picking it up, they fetched a thing like a frying-pan, and put it into; I went down, and helped them to pick it up; juſt as I came down into the cellar, Melkin came cloſe after me, and took a ſample of it; he told me to go up out of the cellar, and after that he took me to the Shadwell office.

Q. Should you know the bag if it was produced?—*A.* Yes. *(It is produced).* There were ſome holes in the bag, and it was tied up in ſeveral places.

Croſs-examined by Mr. Gurney. Q. You were carrying this ſtolen property, and was ſtopped by Melkin?—*A.* Yes.

Q. And he took you to the office?—*A.* Yes.

Q. You were frightened?—*A.* Yes.

Q. And accuſed Penny and Ritchie to ſave yourſelf?—*A.* Yes.

ELIJAH MELKIN *ſworn.—Examined by Mr. Jackſon.* I am a ſerjeant in the Tower-Hamlets Militia: On the 10th of January, Wedneſday evening, about ſeven o'clock, or it might be a little after, I ſaw Lumſdale with a bag, I croſſed over the way, and aſked him what he had got; he ſaid, what was it to me; I felt the outſide of the bag, and found it as I thought, tallow; I followed him gently down Star-ſtreet, into Archer's door, and he threw the bag down behind the door, I immediately laid hold of the bag with one hand, and Lumſdale with the other; I brought the bag to the door, I ſaw it was tallow; Archer then came forward, and ſaid, do not meddle with it, for the boy may be hurt, or ſent on board a man of war, I will give you half-a-crown, and you drop it, he nodded to me as if I was to drop

drop it, and I dropped it into the cellar; and I believe, as I recollect, that I did turn round, and then I went down into the cellar and took a ſample of it; he gave me half-a-crown, Mr. Archer was ſtanding at the cellar window at the time I deſired the boy to go with me; I took the boy and the ſack of tallow before the Magiſtrate; from there I went back to Mr. Archer with a police-officer.

Court. Q. Did he underſtand that you were going to take the boy before a Magiſtrate?—*A.* I do not know that he did; when I came back, there was the bag empty, and the tallow put into a caſk.

Q. Look at that bag, is that the bag?—*A.* If it is the ſame bag, there are three ſmall ties, *(looks at it)*; there is only one tie now, I believe it to be the ſame bag, I do not ſwear poſitively, but I believe it to be the ſame. *(Produces the ſample of tallow).*

ROBERT BROWN *ſworn.—Examined by Mr. Knowlys.* I am one of the officers belonging to Shadwell; I went with Lumſdale and Melkin to Archer's houſe, on the 10th of January; in conſequence of the information I had received from Melkin, I went down below, and under the drip board, Mr. Archer took up the bag, this is it; I afterwards found ſome tallow in a caſk, which I brought away with me; I told Mr. Archer, I muſt have the tallow as well as the bag, and he ſhewed me where it was in the bag; there were thirty-nine pounds of it.

Captain ROBERT MELDRUM *ſworn.—Examined by Mr. Jackſon.* Q. Your ſhip is laden with Ruſſia tallow?—*A.* Yes.

Q. Be ſo good as look at that tallow?—*A.* We had ſuch tallow as this, I had linſeed alſo, and this tallow is ſpotted with linſeed.

Q. Look at the ſample, and tell us if that is the ſame kind of tallow?—*A.* They are both of the ſame quality.

Q. Did you miſs any bag out of your ſhip?—*A.* Not till I had a letter from the Police-office, and then I miſſed ſuch a bag as this, but I cannot ſay whether this is it or not.

Croſs-examined by Mr. Gurney. Q. How long had theſe boys been on board?—*A.* Ritchie has been with me near three years, and the other about five months.

Q. During that time, have they not had the character of honeſt good lads?—*A.* I never ſuſpected them.

Court. Q. What was the character of Lumſdale before?—*A.* Like the others; I never ſuſpected him of any thing that was bad.

Mr. Jackſon. Q. What is that tallow worth?—*A.* About forty-ſix ſhillings a hundred.

WILLIAM TELLKAMPFF *ſworn.—Examined by Mr. Knowlys.* I am one of the clerks attending at Shadwell office; I was preſent when Ritchie was under examination, I took it myſelf, I ſaw Ritchie ſign it, and I ſaw the Magiſtrate ſign it.

Q. Before he ſigned it, was there any promiſe or threat held out to induce him to confeſs?—*A.* None at all.

Mr. Gurney. Q. There is a little talk ſometimes in the outer office, was he not told there, that it would be a much better thing for him to confeſs?—*A.* Not to my knowledge.

Court. Q. Nor that it would be worſe for him if he did not?—*A.* No.

Q. *(To Brown.)* Were you preſent with him in the outer office?—*A.* No; he was in the cuſtody of Cook, I believe.

JOHN COOK *ſworn.—Examined by Mr. Gurney.* Was Ritchie in your cuſtody?—*A.* He was.

Q. Before he went in to be examined, was he not told it would be better for him to tell all he knew?—*A.* He was not.

Q. Nor that it would be worſe for him if he did not?—*A.* No.

(Mr. Tellkampff read the examination of Ritchie before the Magiſtrate, which exactly correſponded with the account given by Lumſdale the witneſs).

Ritchie's defence. I have gone on ſhore very frequently, on errands for the maſter and mate, with Lumſdale, I did not know that he had any ſuch thing as that along with him; I leave the reſt to my Counſel.

Penny's defence. I was in the ſhip, and never out of it till I was brought out by one of the officers; I know nothing at all of it.

Ritchie, GUILTY (Aged 20.)
Judgment reſpited.
Penny, NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice ROOKE.

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198. JAMES RITCHIE and JOSEPH PENNY were again indicted for feloniouſly ſtealing, on the 9th of January, twenty-five pounds weight of tallow, value 8s. the property of Ralph Keddy.

Second Count. Laying it to be the property of Robert Meldrum.

Third Count. Laying it to be the property of certain perſons to the Jurors unknown.

(The caſe was opened by Mr. Knowlys.

—— BIGGIN *ſworn.—Examined by Mr. Jackſon.* I am mate of the Commerce: I ſent Lumſdale on ſhore, and Ritchie went with him, as he told me afterwards; I told him to take a boy with him.

Croſs-examined by Mr. Gurney. Q. You do not know any thing at all about Ritchie going but what Lumſdale told you?—*A.* No.

JOHN LUMSDALE *ſworn.—Examined by Mr. Knowlys.*

Knowlys. Q. I went on ſhore the 9th of January, the mate ſent me on ſhore, and Ritchie went with me; we took ſome tallow on ſhore with us in a mat.

Court. (To Biggin.) Q. When was it that Lumſdale told you that he and Ritchie had ſtole ſome tallow the night before?—*A.* He did not tell me any thing about ſtealing the tallow that night, only that he was in the boat with him.

Court. Q. Did Lumſdale ever, at any time, tell you any thing about ſtealing any tallow, except that which you gave evidence of on the laſt trial?—*A.* No; except at his examination before the Magiſtrate.

Mr. Jackſon. Q. Lumſdale went on ſhore on Tueſday night by your orders?—*A.* Yes; and when he came back with the boat, he told me Ritchie had been with him.

Mr. Knowlys. (To Lumſdale.) Q. What was done the night before you were taken up?—*A.* I went on ſhore with Ritchie.

Q. On that night did you take any thing with you?—*A.* Yes, I took a mat with ſome tallow in it; I got the lend of the Charlotte's boat, and me and Ritchie got along-ſide our own ſhip, and Penny handed over the tallow into the boat to me, and Ritchie rowed the boat to King James's ſtairs, and I went to Mr. Archer's houſe to ſee if there was anybody that I thought would ſtop me; I ſaw nobody, and I came back to the boat and took the tallow to Mr. Archer's; there was about the ſame quantity of it as there was the night I was taken up.

Q. Did you ever ſteal any tallow before this—this laſt voyage?—*A.* Yes, three times before; Mr. Archer gave me twelve ſhillings for it; there were two or three forty pounds, I think, of it.

Croſs-examined by Mr. Gurney. Q. Are you quite certain that the quantity was two or three forty pounds, and that you received twelve ſhillings?—*A.* Yes.

Q. Did you ſay that before the Magiſtrate?—*A.* No; I ſaid twenty-five pounds, and that I received five ſhillings.

Q. This examination of your's, at Shadwell-office, was upon oath?—*A.* Yes; and I did tell the truth; I did not ſay that I did not receive more.

Q. But you were ſworn to tell the whole truth?—*A.* I did not give all my evidence then, I told the truth.

Q. You were ſworn to tell the whole truth?—*A.* Yes; I told the truth.

Q. But not the whole truth?—*A.* No; I had been in priſon with Penny, and he ſaid, if I turned King's evidence, and confeſſed more than we agreed to confeſs, and he ever met me afterwards, he would be hung for me, meaning that he would kill me; and that was the reaſon why I did not tell the whole truth.

Mr. Tellkampff read the examination of the priſoner, Ritchie, taken by himſelf as follows:

"Taken on the 11th of January, 1798.

"On Thurſday evening laſt, after we left work, Lumſdale aſked leave of the mate to go on ſhore; that there was a quantity of tallow lying upon the beams in the ſaid ſhip, that had fallen out of the caſks, which the cooper could not get into the caſks; Penny, Lumſdale, and myſelf, agreed to take it, and Lumſdale and myſelf brought it in the boat to King James's ſtairs; Lumſdale carried it to ſell; he told me and Penny that he had ſold the tallow, but did not ſay to whom, and that he had got two-pence halfpenny a pound. I had no part of the ſaid money, only ſome bread and butter; I was never concerned in taking any out of the ſhip before, and neither mate nor maſter knew of the tallow being taken out of the ſhip."

Mr. Gurney. Q. The 11th of January was of a Thurſday?—*A.* Yes.

Q. Lumſdale was brought to your houſe the ſame night?—*A.* Yes; and Ritchie the next day.

Q. The day he deſcribes himſelf to have taken it, was on the Thurſday before?—*A.* Yes.

Both NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice ROOKE.

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199. JOHN ARCHER was indicted for feloniouſly receiving, on the 10th of January, forty-two pounds weight of tallow, of which James Ritchie was convicted of ſtealing, knowing it to be ſtolen.

(The Caſe was opened by Mr. Knowlys.)

JOHN BIGGIN *ſworn.*—I am mate of the ſhip Commerce, it was laden with tallow and linſeed, Robert Meldrum is the owner; he loſt a bag of tallow on the 10th of January; Lumſdale and Ritchie were apprentices, and part of the crew; they went on ſhore on the evening of the 10th of January, Ritchie came back, but Lumſdale did not.

JOHN LUMSDALE *ſworn.*—I was a ſailor-boy on board the ſhip Commerce, captain Meldrum.

Mr. Jackſon. Q. Do you know of any tallow being ſtolen on the 10th, the evening you were taken up?—*A.* Yes; James Ritchie and Joſeph Penny got it out of the hold, I aſſiſted in getting it out of the half-deck; the tallow was contained in a bag; I and Ritchie conveyed it on ſhore; the ſhip laid at King James's-ſtairs, Shadwell.

Q. Where did you row to?—*A.* To King James's-ſtairs.

Q. What became of this bag of tallow?—*A.* Ritchie gave it me out of the boat, and I went towards Mr. Archer's; I knew the houſe.

Q. Whereabouts

Q. Whereabouts was the weight of it?—*A.* It was about forty pounds.

Q. Tell us all that paſſed?—*A.* His houſe is about 30 or 40 yards from the ſtairs; I went towards Mr. Archer's, and I was ſtopped in Star ſtreet by Melkin, he aſked me what I had got; I then went into Mr. Archer's ſhop and put it behind the half-door, there was only a girl in the ſhop; Mr. Melkin came in, and aſked what was in the bag, and he dragged it from behind the door; the little girl ſtamped with her foot when I came in, and Mr. Archer came up, then words paſſed between Mr. Archer and Melkin, but I don't know what they were; the bag of tallow was thrown into the cellar; I ſaw Mr. Archer put ſomething into Melkin's hand, I did not know what; then the bag was thrown down the cellar; I went down the cellar, and ſome tallow had fallen out, Mr. Archer and a young man picked it up, and I helped them; they put it into a thing like a frying-pan, and before it was all taken up, Mr. Melkin came down and took a ſample of it, and told me to go into the ſtreet, and then he took me to the Juſtice's office.

Q. Did Archer know you?—*A.* Yes.

Q. Were you in the ſame dreſs that you are now? *A.* Yes; only I had a black handkerchief on; I am 16 years of age; I ſhould know the bag again if I was to ſee it.

Croſs-examined by Mr. Knapp. Q. Are you ſure that Melkin did not tell you to throw the bag down?—*A.* He did not tell me.

Q. Are you ſure that Archer ſaid ſo, or was it Melkin?—*A.* I don't know.

Q. I think you ſaid at the Juſtice's, that Melkin told Archer to throw it down?—*A.* I don't recollect, I think I did ſay ſo.

Court. Q. What do you think now?—*A.* I think it was Mr. Melkin deſired Archer to throw it down.

Mr. Knapp. Q. You ſtated to the Jury juſt now, that ſome of the tallow fell out?—*A.* Yes, ſome of it.

Q. Did not you ſay before the Juſtice that all fell out?—*A.* I never ſaid all of it fell out of the bag.

Q. Did you ſay before the Juſtice it was put into a frying-pan, or any thing of that ſort?—*A.* I ſaid Mr. Archer was picking it up, they did not aſk what it was put in.

Q. The bag was torn?—*A.* Yes, in ſeveral places.

Q. The bag was ſo broken that it could not be put into the bag again with ſecurity?—*A.* I don't know that, I did not put it into any thing.

Q. How long have you been aboard ſhip?—*A.* Two years.

Q. Do you know, on board of ſhip, ſuch a thing as I am going to deſcribe to you—did you ever hear of ſweepings, whether there is not a good deal of tallow ſwept up, which is thought the perquiſite of the crew?—*A.* I have heard of a thing called ſweepings.

Q. Was this tallow dirty or clean tallow?—*A.* It was not very clean, nor yet very dirty.

Q. You are admitted an evidence on the part of the Crown, and you have been in cuſtody ever ſince?—*A.* Yes.

ELIJAH MELKIN *ſworn.*—I am a ſerjeant belonging to the Tower Hamlets: On the 10th of January, in the evening, I was in Star-ſtreet, I ſaw a perſon coming with a bag, and I aſked him what he had got; he ſaid, what is that to you; he ſaid, he had got ſome tallow; he went into Mr. Archer's, and threw the tallow down, I went in and ſeized Lumſdale with one hand, and the tallow with the other; Mr. Archer came up and deſired I would let the boy go away, for he might be ſent on board a man of war, and drop the tallow down, and he would give me half-a-crown.

Court. Q. If you would let go the tallow and drop it down, he would give you half-a-crown?——*A.* He nodded towards the cellar, I received the half-crown, and I dropped it down; I afterwards went down and took a ſample of the tallow from the bag, and brought the boy along with me to the Magiſtrate.

Q. Did Mr. Archer hear where you were going?—*A.* I don't know; I told the boy I was going to take him before a Magiſtrate.

Croſs-examined by Mr. Knowlys. Q. I believe you went afterwards with a Police officer to Archer's?—*A.* Yes; when I went back to Mr. Archer's, the officer went in and ſaid he was come for the bag of tallow, and Mr. Archer ſaid it was down below; he went down below, and the tallow was lying under the drip-board, the bag was lying without the tallow in it.

Court. Q. What did Archer ſay?—*A.* Mr. Archer ſaid he would go down with him; I went down with them, and we found the bag as I ſtated before; Mr. Archer took the tallow from under the drip-board, he pointed to it himſelf, it was in a tub or caſk; the officer ſaid he muſt have the tallow, and Mr. Archer put the tallow into the bag out of the tub; the officer then ſaid, he wanted the other tallow that was brought before; Archer ſaid, what was left of it was lying under the drip-board; a ſheet of paper was procured, and Mr. Archer put it into it; we took the tallow to a Magiſtrate.

Croſs-examined by Mr. Gurney. Q. You and the officer went to Archer's houſe?—*A.* Yes.

Q. Mr. Archer ſhewed you the tallow without any difficulty?—*A.* Yes.

Q. Now

Q. Now you have told us to-day, that Mr. Archer ſaid, if you will let the boy go, and drop the bag down, he would give you half a-crown?—*A.* Yes.

Q. You have always ſaid that, that Mr. Archer offered you the half-crown for dropping the bag down, and letting the boy go?—*A.* Yes.

Q. Did not you ſay at the office that Mr. Archer ſaid he would give you half-a-crown to let the boy go for fear he ſhould be ſent on board a man of war?—*A.* He ſaid, drop it down, and let the boy go, and I will give you half-a-crown.

Q. You are quite poſitive, upon your examination at the office, you then ſaid what you do now?—*A.* I ſaid that Mr. Archer offered to give me half-a-crown to drop the bag down, and let the boy go.

Q. Did you ſay at the office at all, that the dropping the bag down was to be the conſideration for which he offered you half-a-crown?—*A.* I did underſtand it ſo.

Q. Pray what way of life may you be in?—*A.* I have been in different lines; I come out of Staffordſhire, and I have been in Northamptonſhire.

Q. Have you ever had the misfortune to get into a gaol?—*A.* Yes.

Q. Howmany times?—*A.* Never but twice.

Q. What was the charge againſt you?—*A.* I was out a ſhooting, and a lamb's-ſkin was found.

Q. Was it for a highway robbery, or ſheep-ſtealing?—*A.* I was not tried for any.

Q. What was the other priſon you got into?—*A.* That was for an aſſault, New-Priſon.

Q. Don't you know that Mr. Archer accuſed you of ſtealing his bag—have you never ſaid to any body that you would be revenged of Mr. Archer?—*A.* Not to my knowledge.

Q. Have you—yes, or no?—*A.* No.

Q. Poſitively have you, or have you not ſaid you would be revenged of Mr. Archer?—*A.* No, I never did.

Q. Do you know a perſon of the name of M'Carthy—did you not ſay to him you would be revenged of Mr. Archer?—*A.* I never did.

ROBERT BROWN *ſworn.*—I am an officer belonging to Shadwell-office: I went to the houſe of Mr. Archer, in conſequeuce of an information by Mr. Melkin; I went with Mr. Melkin and the boy Lumſdale, to Mr. Archer's ſhop; the girl was in the ſhop, and ſhe called him out of the cellar; I ſaid to Mr. Archer, I am come for the bag of tallow that was brought by this boy; he aſked me what was the matter; Mr. Archer ſeemed to turn himſelf round, and under the drip-board he picked up the bag; ſays I, Mr. Archer, I muſt have the tallow as well as the bag.

Mr. Knowlys. Q. The bag was empty?—*A.* Yes; ſays he, here is the tallow in this caſk or tub, and he aſſiſted me in ſhooting the tallow into the bag; now ſays I, Mr. Archer, you muſt go with me to the office; he ſaid, I wiſh you would let me waſh and clean myſelf before I go; I told him he muſt go with me, he begged I would not take him with me, but leave him behind; I told him there was a felony committed, and therefore I could not leave him; Mr. M'Carthy came to the door, and ſeveral other people, and ſaid he would paſs his word for him, he is a publican, and keeps a public-houſe on the other ſide of the way.

Court. Q. What time was this?—*A.* This was about eight o'clock, it might be a quarter after; I brought him to the office, and the boy went under an examination, and likewiſe him, and he was committed.

Mr. Knowlys. Q. After he was committed what paſſed?—*A.* After he was committed, he went over to the public-houſe with me; he begged to go to his houſe again, for he had ſome particular buſineſs to ſettle; after ſome time, I granted the favour; I carried Lumſdale, Melkin, and Cook, with us.

Court. Q. Did he ſay any thing more?—*A.* He ſaid he thought they would come after the tallow again. *(The bag produced.)*

Croſs-examined by Mr. Knapp. Q. You have been in this office ſome time?—*A.* About two years and ſix months.

Q. Archer lives in your neighbourhood, he knew you?—*A.* I don't think he knew me.

Q. Upon your oath, did he believe you to be an officer at the time you came with Lumſdale and Melkin.—*A.* I dare ſay he did; he aſked me what was the matter; I told him we had come for the tallow, he turned himſelf round, and gave it us.

Q. Upon your oath, did he not give you as a reaſon that the bag was ſo holely that he was obliged to put it into ſomething elſe?—*A.* I cannot ſwear he ſaid that.

Mr. Knowlys. Q. Is the bag in the ſame ſtate in which it was at Archer's?—*A.* No, I cannot ſay it is, here is a ſkewer in it, the ſtring had ſlipped off.

Mr. Knowlys. Q. *(To Lumſdale.)* Is that the bag you took to Archer's?—*A.* Yes, I think it is.

Capt. ROBERT MELDRUM *ſworn.*—I am captain of the ſhip Commerce; I had tallow in my cargo.

Mr. Knowlys. Q. Look at that tallow, and ſee if that is the ſame ſhe was laden with?—*A.* It is the ſame ſort that ſhe was loaded with.

Q. Had you any thing elſe?—*A.* Linſeed; it is ſpotted with linſeed.

Court. Q. What is that tallow worth?—*A.* It ought to be worth forty-ſix ſhillings.

Q. *(To*

Q. *(To Brown.)* What quantity is there?—*A.* Thirty-nine pounds.

Mr. Knowlys. Q. What quantity was brought from Archer's?—*A.* Forty-two pounds and a half.

Q. *(To Capt. Meldrum.)* You ſay you had linſeed on board?—*A.* Yes, three hundred bags.

Q. How much tallow?—*A.* Three hundred and fifty-nine bags.

Croſs-examined by Mr. Knapp. Q. I ſuppoſe you will not ſwear to the identity of tallow?—*A.* I cannot ſwear to tallow.

Q. There are a great number of perſons employed about the veſſel when unloading?—*A.* How ſo, there are only the people that they call lumpers.

Q. Do you know of any cuſtom on board of ſhips, ſuch as ſweeping up the looſe tallow, which is called ſweepings?—*A.* I do not.

Court. Q. Do you remember this bag of tallow being on board your ſhip?—*A.* I remember a bag like this.

Q. When was it filled?—*A.* When the ſhip was laden.

Priſoner's defence. I am as innocent of this as a child unborn, I had nothing to do with the tallow, I never ordered it to be thrown down; I leave it to my Counſel.

The priſoner called thirty-ſeven witneſſes to his character, who had known him from ten to twenty years, and they all gave him an extraordinary good character; there were as many more witneſſes attending, who were not examined.

GUILTY.

Tranſported for fourteen years.

Tried by the third Middleſex Jury, before Mr. Juſtice ROOKE.

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200. JOHN NORTH was indicted for a libel, but having pleaded guilty, expreſſing great contrition for his offence, the Court ſentenced him to be fined 1s. and to enter into his own recognizance for his good behaviour for two years, in the ſum of 200l.

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201. ELIZABETH GREEN was indicted for feloniouſly receiving, on the 6th of February, four ounces and a half of ſilver filings and ſcrapings, value 1l. 2s. 6d. the property of Stephen Adams, the elder, and Stephen Adams, the younger, ſtolen by a certain perſon before, for the ſake of wicked lucre and gain, the ſaid perſon not having been convicted of ſtealing the ſaid goods.

(The caſe was opened by Mr. Gurney.)

STEPHEN ADAMS, ſen. *ſworn.—Examined by Mr. Gurney.* I am a working ſilverſmith; the priſoner's huſband is a workman in my ſervice, and has been upwards of twenty years.

Q. Has the priſoner ever had acceſs to your work-ſhop?—*A.* She has not.

Q. Has the daughter had acceſs to your work-ſhop?—*A.* She has, for two years paſt, I believe. On the 9th of February, I was ſent for to Meſſrs. Cox and Murle's, refiners, in Little Britain, I did not go myſelf, I ſent my ſon; the firſt I ſaw of the priſoner was before Alderman Skinner.

Q. Were there any filings or ſcrapings of ſilver there?—*A.* There were a great many.

Q. Had you miſſed any?—*A.* Yes, I had.

JOHN LEMAY *ſworn.*—I am clerk to Mr. Adams: We weigh ſilver out to the workmen, and we weigh in again; I have found ſilver deficient for a year and a half or two years back.

Q. Lately?—*A.* Yes; I believe within the laſt month.

Court. Q. Theſe deficiencies will ariſe, I ſuppoſe, if the filings or ſcrapings ſhould be taken away?—*A.* I ſuppoſe they might.

JAMES FARREN *ſworn.—Examined by Mr. Gurney.* I am clerk to Meſſrs. Cox and Murle: On Thurſday, the 8th of February, the priſoner brought to us this ſilver.

Q. In what ſtate is that ſilver?—*A.* It is very badly melted.

Q. What did it appear to have been?—*A.* Silver filings and ſcrapings.

Court. Q. What difference is there between the ſcrapings and the filings?—*A.* I never was in the workman's line, the priſoner at the bar brought it to me, and deſired me to get it melted.

Mr. Gurney. Q. Had ſhe ever been at the ſhop before?—*A.* Yes; ſhe told me ſhe was the wife of a ſpringer and liner, which is a branch in watch making, ſhe left it with me; after ſhe was gone, I looked at the ſilver, and ſuſpected, from the appearance of it, that it had not been properly come by; ſhe came the next day, and I ſent for Mr. Aldridge, in Alderſgate-ſtreet, he queſtioned her about it, and we ſtopped her; I told her, we ſuſpected it was improperly come by, and ſhe at laſt confeſſed that her huſband worked for Mr. Adams; ſhe ſaid, he was not in fault at all, and begged we would not hurt her poor girl.

Q. Was there any promiſe of favour made her, or did you tell her it would be better for her to confeſs?—*A.* No.

Q. Nor worſe for her if ſhe did not?—*A.* No, ſhe kept crying out, her poor girl.

Q. Did ſhe ſay how ſhe came by the ſilver?—*A.* No, we ſent for the girl, and ſhe confeſſed ſhe had taken it.

Q. Did any thing that ſhe ſaid, paſs in the preſence of the priſoner?—*A.* No, we kept them ſeparate; ſhe left the ſilver in the name of Lowe.

Court. (To Adams.) Q. In what capacity did the huſband work for you?—*A.* As a poliſher and filer of ſpoons.

Q. He

Q. He did not work in the capacity of a ſpringer or liner?—*A.* No, nothing of that ſort is carried on in our houſe.

Q. What is the difference between ſcrapings and filings?—*A.* The ſcrapings are done by an edge tool that ſcrapes off long pieces, the filings are what fall from the file.

Mr. Gurney. Q. Are theſe ſcrapings and filings?—*A.* Both filings and ſcrapings are exceedingly viſible.

JOHN OSBORN *ſworn.—Examined by Mr. Gurney.* I am a conſtable; I was ſent for to take charge of the priſoner.

Q. Did you hear the priſoner ſay any thing of where ſhe got this ſilver?—*A.* I aſked her what ſhe had been about; ſhe wrung her hands and ſaid, oh! Mr. Oſborne; ſhe ſaid, what ſhe had done, ſhe had done to pay the rent; I aſked her, how ſhe came to do ſo; ſhe ſaid, ſhe was in diſtreſs, and ſhe got her daughter to bring ſome home, to get her out of that diſtreſs; and ſhe pulled a bit of paper out of her pocket; ſhe afterwards ſaid, her daughter brought it from Mr. Adams's, ſhe ſaid, it was through her that the daughter did it.

Mr. Gurney. I will ſpare you, gentlemen and myſelf, the pain of hearing the child's evidence.

Priſoner's defence. They all told me, if I would ſpeak the truth, they would not hurt a hair of my head; I ſaid it to ſave my child, ſhe had had it hid two days and two nights under her bed before I knew any thing of it.

The priſoner called two witneſſes, who gave her a good character. GUILTY (Aged 44.)

Confined ſix months in the Houſe of Correction, and fined 1s.

Tried by the London Jury, before Mr. RECORDER.

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202. SARAH PRESTIDGE was indicted for feloniouſly ſtealing, on the 23d of January, a pewter quart pot, value 1s. the property of Ann Davies.

ANN DAVIES *ſworn.*—I loſt a quart pewter pot on Monday, the 23d of January, from the tap-room of my houſe, from a ſhelf over the bar; I had loſt an ale pint the day before, and ſuſpected the priſoner; I deſired the man and the maid ſervant to take a particular account of what pots were in the houſe; the next morning, the maid called me down ſtairs, and told me there was a quart pot miſſing; I came down and unlocked the bar door, and the priſoner came to the bar for liquor; I aſked her if ſhe had taken the pot; ſhe ſaid, ſhe did not; I told her, I really believed ſhe had, and I would ſend for an officer to take her up; ſhe deſired I would not do that, and ſaid, if you will ſend one of your ſervants to my houſe, I will give you the pot back; I aſked her how ſhe could do ſuch a thing, to rob the widow and the fatherleſs; that I thought ſhe would have been the laſt perſon.

SARAH SANDWICH *ſworn.*—On the 22d of this month we loſt a pint pot, and my miſtreſs deſired me to mark every pot in the houſe, to be marked after ſhe was gone to bed, which I did; the next morning the priſoner came in for a quartern of liquor, I went up and called my miſtreſs, and when I came down the quart pot was gone off the ſhelf, I ran up again and told my miſtreſs that the ſame perſon that had been the morning before had got a quart pot; a few minutes after my miſtreſs came down, ſhe told me I ſhould pay for every pot that was loſt; and I ſaid, no, I would not, for that perſon had it; then my miſtreſs went over for a conſtable; the priſoner ſaid, if ſhe would not give charge of her ſhe would go and try if ſhe could find the pot, and our man went with her, and ſhe gave him the pot from behind the ſtreet-door; the conſtable has got the pot.

Croſs-examined by Mr. Gurney. Q. You did not go home with her?—*A.* No.

Q. Then you know nothing about her giving the man the pot?—*A.* No.

JAMES TUCKER *ſworn.*—I went with the priſoner to the bottom of the houſe where ſhe lodged, and ſhe gave me a pot from behind the door; I took it home and delivered it to my miſtreſs.

Croſs-examined by Mr. Gurney. Q. Mrs. Preſtidge lives up two pair of ſtairs in that houſe into which you went?—*A.* Yes.

Q. You found the pot ſtanding in the paſſage?—*A.* The priſoner gave it me in the paſſage from behind the door.

Q. That was not near the room that ſhe occupied?—*A.* No; ſhe lived in the two pair of ſtairs.

Q. It had ſome milk in it, had it not?—*A.* Not that I ſaw.

Q. There are many people lodge there beſides her?—*A.* I cannot ſay.

Q. However, there are other people live in the houſe?—*A.* Yes.

WILLIAM WYNNE *ſworn.*—I am a conſtable, *(produces the pot)*; I received this from Mrs. Davies at the time I took charge of the priſoner.

Mrs. Davies. This is my pot, it is one of the pots that was marked the morning before it was loſt.

Q. What is it worth?—*A.* One ſhilling.

Tucker. This is the pot that I received from the priſoner.

Mr. Gurney. Q. How do you know that?—*A.* I know it by a little hole that is punched in it.

Q. How long have you known the priſoner?—*A.* Three years.

Q. Does any perſon in your neighbourhood bear an honeſter character?—*A.* I never knew a blot in her character, by any means.

Q. Did

Q. Did ſhe not tell you ſhe had only borrowed the pot to take in ſome milk?—*A.* She did not.

The priſoner called two witneſſes, who gave her a good character.

GUILTY (Aged 36.)

Fined 2s. 6d. and diſcharged.

Tried by the London Jury, before Mr. Juſtice ASHHURST.

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203. JOHN HIGGINS was indicted for feloniouſly ſtealing, on the 19th of January, a hempen bag, value 6d. and 120 pounds weight of iron rivets, value 2l. the property of Mary Prieſtley.

JOHN CASE *ſworn.*—I live ſervant with Mrs. Prieſtley, in Dog-and-Bear-yard: I brought nine bags of cooper's rivets in my cart, and in Thames-ſtreet I miſſed one bag of rivets; I had left the cart to go down to ſee if I could come down the ſtreet; they belonged to Mr. King of Dock-head, I was to take them to him.

Q. Who was to be paid for carrying them?—*A.* My miſtreſs; I am ſure they could not have got out without being taken out.

Croſs-examined by Mr. Alley. Q. Did not you ſay before the Magiſtrate, that you did not know whether you had ſeven, eight, or nine bags?—*A.* No, I did not.

Q. Were not you in the public-houſe at the time?—*A.* No, I was not.

Court. Q. What time was this?—*A.* About five o'clock in the afternoon of the 19th of January.

JOHN WAINEWRIGHT *ſworn.*—I am conſtable of Dowgate Ward: On the 19th of January, about five in the evening, juſt as I had got to the top of Allhallows, I ſaw the priſoner with a bag on his back, it ſeemed very heavy; I followed him, and aſked him what he had got there, and he immediately threw it down, and ran away; he broke from me and I caught him, he broke from me again, and I caught him, and took him to the Compter; I came back again in about half an hour, to make enquiry, and ſaw the carman, he ſaid he had loſt a bag of rivets; I told him I had ſtopped a man with a bag of rivets. *(Produces the bag).*

RICHARD LONGDEN *ſworn.*—I live with Iſaiah Millinton, Eſq. an ironmonger, at Greenwich: I know this bag perfectly well, both by its public and private marks, it contains cooper's rivets; I delivered it to John Caſe on the 19th of January, he was to convey it to the houſe of Mr. King, at Dock-head, it was put into his cart; he had eight other bags along with it.

Q. What is the value of it?—*A.* Not leſs than thirty-nine ſhillings; it has written upon the tally, "6024 cooper's rivets," I ſaw my ſervant put the bags into the cart.

The priſoner did not ſay any thing in his defence, but called ſix witneſſes, who gave him a good character.

GUILTY (Aged 27.)

Confined one month in Newgate, publicly whipped and diſcharged.

Tried by the London Jury, before Mr. Juſtice ROOKE.

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204. THOMAS HUNTER was indicted for burglariouſly breaking and entering the dwelling-houſe of Margaret Elliott, ſpinſter, about the hour of nine at night of the 30th of January, and ſtealing therein one diamond ring, value 30l. and a miniature picture, value 100l. the property of the ſaid Margaret; a baſe-metal watch, value 30s. the property of Mary-Ann Elliott; a teleſcope, and various articles of wearing-apparel, the property of Grace Waugh.

(The caſe was opened by Mr. Gurney.)

Miſs MARGARET ELLIOTT *ſworn.—Examined by Mr. Gurney.* Q. You live in Queen Ann-ſtreet, Eaſt?—*A.* Yes, I do.

Q. Are you a ſingle woman?—*A.* Yes, I never was married; the houſe is mine, I let lodgings ſometimes.

Q. Did the late colonel Waugh lodge in your houſe?—*A.* Yes, he did.

Q. Upon his death, was any property of his left in your houſe?—*A.* Yes.

Q. Was that property in your houſe the night on which the robbery was committed?—*A.* Yes, it was.

Q. What night was it?—*A.* The 30th of January, a little after nine; I was in the parlour; my ſiſters were with me, Mary-Ann Elliott, and Jane.

Q. Tell us the manner in which you were alarmed?—*A.* The girl came with a letter into the parlour, and three men came in juſt at her back, we aſked what they wanted, they ſaid "money and watches."

Q. Could you ſee the faces of theſe men?—*A.* No, they were diſguiſed; there was one had a crape over his face, and two of them, I think, had handkerchiefs; I gave them my watch, and what money I had in my pocket, it was only a metal watch, I gave them my purſe, it contained only one ſhilling.

Q. Did your ſiſters give them any thing?—*A.* Yes; then they aſked for colonel Waugh; they ſaid we had nothing to fear if we were quiet, but if not, we muſt be tied.

Q. Had they any arms?—*A.* Yes, they had all of them piſtols; the man who ſtood over us ſaid that colonel Waugh had done him an injury in the Weſt-Indies, but he would be revenged that night; one always ſtood by us, two went up ſtairs, and one ſtaid in the paſſage.

Court.

Court. Q. Was it the ſame perſon that always ſtood over you?—*A.* Always the ſame; the fourth perſon never came into the room, I never ſaw him, but I heard one in the paſſage.

Mr. Gurney. Q. You could not ſee the face of thoſe perſons, can you deſcribe the dreſs of that perſon that ſtood over you?—*A.* No, I cannot, I was ſo much frightened; we ſtaid about an hour in the parlour, while they were bringing down the things, and when they had brought them down, the perſon who ſtood over us ſaid, ladies you muſt now go into the back kitchen, till we get the paſſage clear, and the things carried out.

Q. Did you go into the back kitchen?—*A.* Yes, and my ſiſters with me, and the ſervant, the man accompanied us.

Q. How long did you ſtay there?—*A.* I think near about an hour and a half.

Q. At this time did you ſee any property taken away?—*A.* I did not ſee them, I heard them puſhing and forcing the things open, drawers and other things, ſome time after the perſon left me; I don't know whether they left the houſe together.

Q. After that perſon left you, did you hear any other perſon in the houſe?—*A.* I think they went all away; we ſtaid a good while in the kitchen, becauſe we were not ſure they were gone; there were four boxes belonging to colonel Waugh, that were packed that day by colonel Waugh's ſervant and his brother.

Q. Can you tell me what property you loſt?—*A.* I loſt two trunks, I can tell ſome of the property, but I cannot tell the whole.

Croſs-examined by Mr. Alley. Q. I underſtand that two of your ſiſters live in the ſame houſe?—*A.* Yes, they do; I keep the lodging-houſe, I pay the rent alone.

Ann Harley *ſworn.—Examined by Mr. Gurney.* Q. You are ſervant to Mrs. Elliott?—*A.* Yes.

Q. Tell us in what manner the priſoner got into the houſe?—*A.* A little after nine there came a knock at the door, I was in the parlour at the time; I opened the door, the firſt man ſaid, is this Mrs. Elliott's, and he gave me a letter, and ſaid, give her that; I looked at the letter, and thought it had no direction; I looked at the man, and ſaw his face was diſguiſed, which frightened me; they all ruſhed in, there were four, they held the piſtols at me, and puſhed me into the parlour before them.

Court. Q. What became of the door?—*A.* I loſt my ſenſes for ſome minutes, and don't know.

Q. When you recovered your ſenſes, what did you obſerve?—*A.* I ſaw a man ſtanding at the parlour door, with a piſtol in his hand, and ſaying ſomething about colonel Waugh; Miſs Elliott and her ſiſters were in the parlour.

Capt. Andrew Waugh *ſworn.*—I am a captain in the India ſervice; I am brother to the late colonel Waugh; I was at the houſe of Miſs Elliott, on the 30th of January, I looked over the property of my brother, and took an inventory of the whole.

Croſs-examined by Mr. Gurney. Q. Do you recollect a teleſcope?—*A.* Yes, particularly.

Q. Have you ſeen the things produced at the Police-office?—*A.* Yes, I have.

Q. Was any of that, part of the property you had taken an inventory of?—*A.* Yes.

Court. Q. Can you be able to ſwear to that teleſcope?—*A.* Yes, there is colonel Waugh's name upon it, written with his own hand.

Thomas Coward *ſworn.*—I live at No. 7, New-road, St. Pancras, I am a houſekeeper: On Wedneſday, the 31ſt of January, I had occaſion to go to Mr. Woodroofe's, the Acorn public-houſe, Bridewell Precinct, on buſineſs, between one and two o'clock; the landlord not being at home, I waited for him; while I was waiting for him, a hackney-coach came up to the door, and four men came into the houſe, part of them from the coach, with four boxes or trunks, I was ſitting in the bar; the coach being ſo near, I obſerved the number to be eight hundred and twenty-one; they endeavoured to go backwards to a back parlour, rather retired; all ſeemed, apparently, confuſed to get backwards to this parlour; the landlady aſked them, where they were going; they ſaid, into the parlour; ſhe made anſwer, I am not going to have my parlour made a warehouſe of; there is a room for you, if you like to ſit down; it was a room on the left hand, at the ſide of the bar, they went in there, and called for a ſhillingſworth of rum and water, and they threw the door to; there they remained ſome time; one of them came out to have the ſecond glaſs filled, he went away, and brought the ſame coach off the ſtand again; the landlady and I had a ſtrong ſuſpicion, ſhe ſent for her huſband, ſhe found her huſband was at the Harrow, a little way off, in Water-lane; juſt before he came in, one of them came out of the room, and put a box into the coach, the coach got about ten or a dozen yards from the door, when a ſecond came and brought a box out, and called to the coachman; then the landlord went out and looked at the coach and number, and the men that were in the coach.

Mr. Gurney. Q. When the landlord came back, what did you and he do?—*A.* After he had taken notice of the coach, he went into the room, his wife requeſted me to go; I followed the landlord into the room, and there was one box ſtanding upon the table, and as much paper torn to pieces as I could hold in my two hands, on the table; the landlord queſtioned them about the paper and about the

the trunk, he imagined they did not come by it honeſtly, he told them ſo; the priſoner at the bar replied, that he was a gentleman, that they were his; the other man was dreſſed ſomewhat like a ſervant, with a ſtriped jacket; he unſtrapped the trunk, and ſhewed us the contents; he ſhewed us ſome men's wearing apparel and breeches; he ſaid, he would go to Shoemaker-row, it is not far off, to fetch a perſon; we let him go; juſt as he went away, the landlord went into the bar to ſerve ſome liquor, and left me and the priſoner in the room; after his companion was gone, he endeavoured to make his eſcape, he wanted to follow; I laid hold of him by the collar, I was towards the door-way, he was innermoſt in the room; the landlord ſaid, in the bar, don't let him go, he ſhall not go till his friend comes back; he directly made a puſh to get away, I laid hold of him by the collar to prevent him, till ſuch time as his friend returned; he then drew a brace of piſtols from his pocket, and he gave me a violent blow on this finger, and cut my knuckles with the piſtols, I was obliged to let go my hold; he held the piſtols to my face, and to the beſt of my recollection, he expreſſed, "come on now, come "on;" I drew back a little, and I called out for the poker, when a coal-heaver puſhed in to my aſſiſtance, and laid hold of him, he puſhed him to the further end of the room, I followed him; the coal-heaver wrenched the piſtols out of his hand, and we held him there till ſuch time as an officer was ſent for from Bridewell Precinct, to ſearch him; at the time we held him, before the officer came, he offered us half-a-guinea, if we would let him go; I made a reply to him, if he would give me one hundred, he ſhould not be looſe; when the officer came, he ſearched him.

Court. Q. What did he find?—*A.* He found a teleſcope in a leather caſe. The officer belonging to Bridewell, me and the landlord, lodged him in the Compter.

Mr. Gurney. Q. Who took charge of the trunk?—*A.* The officer belonging to Bridewell.

Court. Q. Who took the teleſcope?—*A.* Weaver, the officer.

Croſs-examined by Mr. Alley. Q. When he was ſearched, there was nothing found upon but the teleſcope?—*A.* Nothing that I know of.

Q. When you were at the door preventing him going out, it was then he preſented thoſe piſtols?—*A.* Yes.

Q. They were not loaded?—*A.* I did not open them.

Mr. Gurney. Q. How was the priſoner dreſſed?—*A.* The priſoner had a light brown great coat on, and a pair of pantaloons of a white colour, tied down like a marine's, they were made of canvaſs.

RICHARD WEAVER *ſworn.—Examined by Mr. Gurney.* Q. What are you?—*A.* I am a conſtable belonging to Bridewell Precinct: I was ſent for to take charge of the priſoner at the bar.

Q. Did you find any piſtols?—*A.* No, they were taken from him before; the coal-heaver had them, his name is John Allen; I ſearched the priſoner, and found a teleſcope; I took the trunks. *(The trunks produced).*

Q. Are thoſe the trunks you took out of that room?—*A.* They have been in my poſſeſſion ever ſince; they are the ſame things.

JOHN ALLEN *ſworn.—Examined by Mr. Gurney.* Q. Did you take any piſtols from the priſoner?—*A.* Yes; and I examined them afterwards, they were loaded.

Q. Were they primed?—*A.* I cannot ſay; one was cocked. *(Produces the piſtols and ball).*

Miſs JANE ELLIOTT *ſworn.—Examined by Mr. Gurney.* Q. Did you obſerve the dreſs of any one of the perſons that came into your ſiſter's houſe?—*A.* One appeared to be dreſſed like a ſailor; he had a blue jacket, and either trowſers or pantaloons on, I cannot tell which.

Q. *(To Allen.)* How was the priſoner dreſſed when you took him?—*A.* He had much ſuch another coat as he has got on now, it was not a blue jacket; he had long hair behind when he was taken.

Mr. Alley. Q. I believe he had got a very violent blow upon his head?—*A.* I believe he had.

Mr. Gurney. (To Miſs Elliott.) Q. Had he powder at that time?—*A.* No, he had no powder.

Court. Q. What ſize man was he?—*A.* I don't know.

Q. Do you know his voice at all?—*A.* No, I do not.

Q. But you think he had a blue jacket?—*A.* I think ſo, I cannot be poſitive.

Captain Andrew Waugh called again.—Mr. Gurney. Q. Have the goodneſs to look at that teleſcope; is that the hand-writing of your brother?—*A.* That is my brother's hand writing, the words are, "Ma-"jor Waugh, 79th Regiment."

Q. You are quite ſure that teleſcope was in the houſe of Miſs Elliott on the day of the robbery?—*A.* Yes, I am; it was packed up in one of my brother's trunks. *(One of the trunks opened).*

Q. Do you know any of thoſe articles?—*A.* Here is a ſtocking with Waugh ſtamped upon it.

Jury. (To Captain Waugh.) Q. At the time you took the inventory did you ſee the articles?—*A.* I ſtood over the ſervant while they were packed.

JAMES REYNOLDS *ſworn.—Examined by Mr. Gurney.* Q. Did you aſſiſt Mr. Waugh in packing them?—*A.* Yes, I did.

Q. Are you able to ſtate whether this is Colonel Waugh's property?—*A.* All are marked in this manner, G W, except ſome in full length.

Court.

Court. Q. Do you know the things that were packed up?—*A.* I ſaw them at Guildhall; here is a ſheet marked G W.

Court. Q. Then they were marked G W, or the name ſtamped at full length?—*A.* Yes; this is the ſame property that I packed up.

Q. Do you know the trunks?—*A.* I do; thoſe are my maſter's trunks.

Q. Can you ſwear to the trunks?—*A.* Yes.

Mr. Gurney. (To Captain Waugh.) Q. Have you got Letters of Adminiſtration granted to Mr. Waugh's widow?—*A.* Yes. *(Produces them).*

Mr. Gurney. Q. They are Letters of Adminiſtration to Grace Waugh, widow, with Power of Attorney?—*A.* Yes.

Mr. Gurney. (To Miſs Margaret Elliott.) Q. Did the property which Mr. Waugh ſuperintended packing up, remain in your houſe till the robbery was committed?—*A.* Yes.

Mr. Alley. Q. In what pariſh is your houſe?—*A.* In Mary-le-bonne.

Priſoner's defence. My Lord, I have been ruined in my hearing from the blow I got, and I muſt defer my defence to my Counſel and witneſſes.

Court. Your Counſel cannot ſpeak for you.

Priſoner. You will indulge me to put a few queſtions to the coal-heaver, Allen.

Priſoner. (To Allen.) Q. Upon your oath, were you not the man that took me by the collar in the parlour?—*A.* I was not.

Q. Were you the man that took me?—*A.* I was, after aſſiſtance was called; I took you by the arm and turned the piſtols away.

Q. Upon your oath, was not that man, Coward, out of the room when you took me?—*A.* Yes; he ruſhed out of the room and called for the poker.

Q. Did you ſee me hold piſtols againſt this man?—*A.* I cannot tell; you held a brace of piſtols to me, and ſaid, "Come on."

Priſoner. I wiſh to ſpeak to the Hackney-coachman.

BENJAMIN ISAAC *ſworn.—Priſoner.* Q. Upon your oath, were there four men in your coach when you came from Gracechurch-ſtreet?—*A.* There were but two in the coach; one rode behind, and the other gentleman walked.

Q. Did I go in your coach, or go near your coach at all?—*A.* You rode in my coach.

Jury. Q. Where did he hire you?—*A.* In Gracechurch-ſtreet.

Jury. Q. Where did they bring the trunks from?—*A.* Out of the Spread-eagle-yard.

Priſoner. Q. Did I engage you, or did I pay you, or put the trunks in?—*A.* The man that called me put them all in.

Court. (To Iſaac.) Q. At what time of the day was it they hired you?—*A.* It might be about five minutes after one o'clock in the afternoon.

ELEANOR WALKER *ſworn.—Examined by Mr. Alley.* Q. Are you a married woman?—*A.* I am; I live with my huſband now; he lives in Betſey-ſtreet, No. 3, Ratcliffe-highway.

Q. What buſineſs is your huſband?—*A.* He belongs to the India Company.

Q. When did you ſee the priſoner before he was taken up?—*A.* On Tueſday the 30th of January, he laid in my houſe that night; I keep a lodging-houſe for ſea-faring men; he came at ten o'clock at night, and remained till eight in the morning; I had never ſeen the priſoner before that night; I had eight men in my houſe belonging to the Favourite.

Q. How came you to meet with him that night?—*A.* He was recommended by Mr. Hughes.

Q. Who is he?—*A.* He keeps a houſe in the ſame pariſh, and he brought the priſoner to my houſe; I have kept a lodging-houſe for ſixteen years in the pariſh.

Q. What kind of houſe does Hughes keep?—*A.* A very reſpectable one, he ſhips hands for the India-men.

Court. Q. How was the priſoner dreſſed when he came to you?—*A.* Much in the ſame clothes.

Mr. Alley. Q. How come you to recollect it was on the 30th of January that he ſlept in your houſe?—*A.* It was on the 30th of January he ſlept in my houſe, becauſe I attended at Guildhall the Thurſday following, the 1ſt of February.

Q. Is it from that circumſtance that you recollect the priſoner ſlept in your houſe that night?—*A.* Yes.

Croſs-examined by Mr. Gurney. Q. Where is Mr. Hughes?—*A.* I don't know, I have not ſeen him to-day; I have attended five or ſix days, and he has attended till this morning.

Q. You ſay he is a man who ſhips hands for the India Company?—*A.* Yes.

Q. How long have you known Mr. Hughes?—*A.* For ſixteen years; he is very well known in the pariſh.

Q. What makes you recollect it was exactly ten o'clock at night when the priſoner came to your houſe?—*A.* I never open the door after ten o'clock at night to oblige any perſon.

Q. Was it not Mr. Hughes that called upon you to go to Guildhall?—*A.* No, it was a ſtranger, I don't know him.

Q. What time did the priſoner leave you?—*A.* The priſoner left me in the morning at eight o'clock.

Q. How came you to be ſo poſitive?—*A.* Becauſe I aſked him to have ſome breakfaſt.

Q. Did he ſup at your houſe the night before?—*A.* Yes, he did; we had but a little piece of bread and cheeſe.

Q. Were there none but thoſe eight perſons that belonged to the Favourite in your houſe?—*A.* None.

Q. Did

Q. Did you take any of theſe men with you to Guildhall?—*A.* Without leave they could not leave their ſhip.

Q. Was any application made to their captain?—*A.* No, there was not.

Court. Q. Did not the ſtranger ſay for what reaſon you were to go there?—*A.* He ſaid it was on account of a lodger that had lodged with me.

Q. How many ſailors lodged in your houſe that night?—*A.* There were eight, and the priſoner was nine.

Mr. Gurney. Q. Did you ſee the priſoner at Guildhall?—*A.* No.

Q. When this ſtranger came to you, he did not tell you what night the lodger had lodged at your houſe?—*A.* No.

Q. When did you receive the ſubpœna?—*A.* I cannot tell exactly the day.

Q. How long before you came here did you receive it?—*A.* I received it four days before I came here.

Court. Q. What day did you receive it?—*A.* I am not poſitive what day.

Mr. Gurney. Q. Who brought the ſubpœna to you?—*A.* I don't know, ſome perſon brought the ſubpœna.

Q. Did they tell you upon what occaſion you were to come?—*A.* Yes; they told me it was a perſon that had lodged at my houſe.

Q. A great many perſons lodge at your houſe?—*A.* Yes, I make about ſixteen beds; ſometimes two ſleep in a bed, and ſometimes three.

Q. You never was able to know that the priſoner at the bar was the man that lodged at your houſe that night, till you ſaw the priſoner in this Court?—*A.* Not at all.

Q. Then how came you to ſay, you were able to judge from this circumſtance, that the priſoner ſlept at your houſe on the 30th of January, becauſe you were called to ſpeak for him two days afterwards at Guildhall—did you know his name?—*A.* I believe his name is Thomas Hunter.

Court. Q. Did you recollect the name when you ſaw the ſubpœna?—*A.* Yes; Mr. Hughes told me his name.

Mr. Gurney. Q. Mr. Hughes you are ſure did tell you his name.?—*A.* He told me his name was Thomas Hunter.

Q. Poſſibly the perſon who came to deſire you to attend at Guildhall, told you, you were to attend for Thomas Hunter?—*A.* No.

Court. Q. How long was the lodging taken for? *A.* No particular time; he expected to be ſhipped on board the Favourite.

Mr. Gurney. Q. Did you make any enquires of Mr. Hughes, when you found he did not come back to your houſe?—*A.* None at all.

Q. When you went to Guildhall, you did not know the priſoner at the bar was the perſon you were going about?—*A.* No; I was not called upon.

Q. When you were firſt ſubpœnaed, did you then know for what purpoſe you were ſubpœnaed? *A.* I was told by Mr. Hughes, it was the ſame gentleman that he recommended to my houſe, and that he was taken up for a robbery.

Q. Then you did not know before you came here, that the robbery was committed at the time when you ſay he was at your houſe?—*A.* No.

Q. Therefore you could not know that you were to ſpeak to his being at your houſe on a certain night?—*A.* No.

Q. Then how came you to recollect ſo readily?—*A.* Becauſe I was called upon the Thurſday following to attend at Guildhall.

Q. Do you mean to ſay then, that Mr. Hughes told you it was Thomas Hunter you were attending for?—*A.* Yes.

Q. Then you had heard more than once, before you had received this ſubpœna, that Thomas Hunter was the perſon you were attending for?—*A.* I heard it from Mr. Hughes.

Q. Then you did not learn at firſt from the ſubpœna, that you were to attend for Thomas Hunter?—*A.* No.

Q. Then how came you to tell me, that Thomas Hunter was the perſon you attended for?—*A.* That was a miſtake.

Mr. Alley. Q. You don't know who it was that gave you the ſubpœna?—*A.* No.

Q. Were any other perſons taken into cuſtody?—*A.* No.

Q. Then the priſoner was the only man that was taken into cuſtody, and two days afterwards you were attending at Guildhall?—*A.* Yes.

Q. Being called upon two days after, you recollect a particular day?—*A.* Yes.

Court. Q. In what way did Hughes leave his name?—*A.* He ſaid that he wanted either a ſituation as captain's ſervant, or a ſteward's place in an Eaſt-Indiaman, or a Weſt-Indiaman, he did not care which.

Jury. Q. *(To Weaver.)* You mentioned, at the time you took the priſoner, that you ſearched him?—*A.* Yes.

Q. I beg to know, whether you found any thing that had the appearance of crape about him?—*A.* His pockets were emptied; I found nothing of the appearance of crape, except it was in his breeches pockets, which I did not ſearch.

Court. Q. *(To Miſs Elliott.)* Had the man that ſtood over you, a crape over his head, or a handkerchief?—*A.* A handkerchief.

WILLIAM HUGHES *ſworn.—Examined by Mr. Alley.* Q. Were you here when you were called a while ago?—*A.* I am but juſt come; I was not well; I have attended five or ſix days.

Q. Do

Q. Do you know the priſoner at the bar?—*A.* I know him very well, I ſaw him about the 18th or 20th of January.

Q. When was the latest time you ſaw him?—*A.* On Tueſday, the 30th of January.

Q. Where did you ſee him on Tueſday?—*A.* I ſaw him a little after eight o'clock in the evening at the Pear-Tree, then he went to Manſell ſtreet.

Q. What are you?—*A.* I am a Cuſtom-houſe officer; he ſtopped with me till about half paſt ten o'clock, I cannot tell to a minute or two.

Q. Do you know where he ſlept that night?—*A.* No; I left him at the Cock and Neptune, Wellcloſe-ſquare.

Q. Do you recollect his making any application to you about his ſleeping any where?—*A.* No, I do not.

Court. Q. Do you take any concern in the ſhipping of people?—*A.* I know thoſe that are concerned, but I never ſhipped a man in my life.

Court. Q. What led you to know you ſaw him on the 30th of January?—*A.* It was the 30th, I always keep a regular account in my head of all I do.

Court. Q. Can you tell what you did on the 29th of January?—*A.* I was down at Blackwall.

Court. Q. You ſay, you ſaw him about the 18th or 20th of January?—*A.* I am not certain to a few days.

GUILTY Death. (Aged 27.)

Tried by the third Middleſex Jury, before Mr. Juſtice ROOKE.

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204. THOMAS HOLDERNESS and HEZEKIAH SWAINE were indicted for feloniouſly ſtealing, on the 31ſt of October, a black gelding, value 20l. the property of George Goſling, Eſq.

(The caſe was opened by Mr. Knapp).

THOMAS HALL *ſworn.—Examined by Mr. Vaillant.* Q. You are ſervant to Mr. Goſling?—*A.* Yes; he lives at Whittle, near Hounſlow; I took care of Mr. Goſling's horſes: On the 31ſt of October, I turned a black gelding, with two others, into the field, between five and ſix o'clock in the evening; it was on a Tueſday; the following day, I went to look after the horſe, I miſſed him, and found the other horſes upon the Common; the gate was ſhut with a haſp, when I put the horſe in, there was no lock, no other faſtening; the haſp lifted on a hook, any man could open it without any difficulty by lifting the gate up; I found it open the next morning.

Q. When you miſſed the horſe, you went down to Banbury?—*A.* Yes; on the 6th of November, I went to Mr. Wyatt's, he keeps the White Lion, he is the poſt-maſter.

Q. When you went there, did you find any horſe?—*A.* Yes.

Q. Deſcribe the marks of this gelding before you miſſed it?—*A.* He was a black horſe, he had a ſtar in his face, two ſaddle marks upon each ſide, four white marks upon his pole.

Q. How was his tail?—*A.* His tail was a full ſwitch tail.

Q. What colour was his legs?—*A.* His off leg behind was white.

Q. How long had Mr. Goſling had the horſe?—*A.* About a year and a half; I bought him for Mr. Goſling, he is a cart horſe; I found him at Mr. Wyatt's, at Banbury, in the ſtable, he was ſtanding there, trimmed, his main had been pulled and his tail docked.

Q. How did the tail appear after it was docked?—*A.* As a coach-horſe, it was quite ſore then, it appeared to have been done for the value of a day or two, it was quite raw and ſore; I am ſure it is the ſame horſe.

Q. Did the horſe know you?—*A.* I think he did; immediately as I went into the ſtable, the horſe turned his head.

Q. Did you ſee the priſoners at the bar at Banbury?—*A.* I got down on the Monday night, and I ſaw the priſoners the next day morning at breakfaſt, at Mr. Wyatt's.

Q. Whereabouts in the houſe?—*A.* I am not poſitive what room, but I think, in the kitchen; nothing paſſed between us, Mr. Wyatt was with me.

Q. When were they taken into cuſtody?—*A.* On the Tueſday morning, the ſame morning I ſaw them at breakfaſt, it was near nine o'clock, I was not in the room when they were taken, I was with them when they went before the Magiſtrate, I don't know the name of the place, Mollington, I think, was the name; the Magiſtrate committed them.—

Croſs-examined by Mr. Alley. Q. Do I underſtand you, that over night, you left this horſe and two others in the field?—*A.* Yes.

Q. Your maſter was very angry with you the next day, becauſe the horſes were gone?—*A.* Yes.

Q. You told us you ſhut the gate, did you tell your maſter ſo?—*A.* I am ſure it was ſhut.

Court. Q. Deſcribe how it was ſhut?—*A.* By lifting of it up.

Mr. Alley. Q. Had you ever known the horſes go aſtray before?—*A.* They had got out, but this horſe never left his company.

Q. You had always been as careful in ſhutting the gate as you were that day?—*A.* Yes; but ſometimes they got through a gap.

Court. Q. Were there gaps in the field at the time you ſpeak of, where they could get out?—*A.* Yes, there were gaps there.

Mr. Alley. Q. What diſtance might the field be where the horſes were from the common where you found the other horſes?—*A.* About four or five hundred yards.

Q. How

Q. How many miles might it be from your maſter's houſe to Banbury?—*A.* That I don't know; it is about forty miles to Oxford from Hounſlow, and I ſuppoſe it is about one or two and twenty miles from there to Banbury.

Q. When you ſaw the horſe in the ſtable, he appeared differently from the horſe you had loſt?—*A.* He was trimmed and docked.

Q. You told us the horſe, when you opened the ſtable-door, turned round and ſaw you?—*A.* Yes.

Q. Notwithſtanding thoſe alterations, you had no doubt it was your maſter's horſe?—*A.* No; the moment I ſaw him I knew him; I can ſwear it is the ſame horſe.

Mr. Vaillant. Q. Though the horſe has got out of the field before, you always found him with his company?—*A.* Always.

Q. But you found the gate open in the morning?—*A.* Yes; and found the other horſes only a quarter of a mile off.

JOSEPH WYATT *ſworn.—Examined by Mr. Knapp.* Q. What are you?—*A.* I keep the White-lion, at Banbury; I have ſeen the priſoner, Swaine, at my houſe.

Q. How far is Banbury from Oxford?—*A.* Twenty-three miles.

Q. When did Swaine come to your houſe?—*A.* On Thurſday the 2d of November, between nine and ten o'clock at night; he brought a black gelding with him, it was a heavy coach-horſe, or a light cart-horſe, I conceived him to be fifteen hands high; I particularly remember a mark upon his pole, four white ſtrokes near the ear, a ſtar in his forehead, three, or more, ſpots by the ſaddle.

Q. Do you remember his legs?—*A.* Not particularly.

Q. Do you remember, before that, receiving any hand-bill?—*A.* Not before the horſe was taken; I ſaw a hand-bill which came by the poſt, on Saturday November the 4th, and, in conſequence of that hand-bill, it led me to obſerve the horſe more particularly than I ſhould have done.

Q. What did you obſerve?—*A.* I obſerved the horſe had been lately docked, within a day or two.

Q. Did you obſerve any thing elſe?—*A.* I obſerved him to have a hollow back.

Q. At the time the priſoner, Swaine, brought this horſe was any body elſe with him?—*A.* No.

Q. Was Swaine riding the horſe at the time he brought him?—*A.* Yes; he rode him into my yard.

Q. Did any converſation paſs between you and Swaine?—*A.* Not immediately.

Court. Q. Did he come as a gueſt to your houſe with this horſe?—*A.* He did; and the next morning trimmed the horſe, he ſupped and ſlept at my houſe.

Q. What paſſed the next morning?—*A.* He told me he had got a very uſeful horſe for my purpoſe, to run at the wheel of a coach; this was after he had trimmed him.

Q. With reſpect to trimming, what do you mean?—*A.* Trimming heels, pulling mane, and cleaning ears; then he told me he had got a very uſeful horſe for the wheel; I aſked him whereabouts the price might be; he ſaid, twelve guineas; we did not deal; I did not think the horſe was two dear, but I did not chuſe to hazard my money; the horſe was cheap at that price.

Q. Did any other converſation paſs between you and Swaine?—*A.* He repeated it very much, he begged of me to become a purchaſer.

Q. Did you learn from him where he came from with the horſe?—*A.* He ſaid he had bought him; I believe he ſaid at Uxbridge, but I am not confident.

Q. Did you learn how long he had had him?—*A.* I don't think he ſaid how long he had had him; that was all the converſation that took place on the Friday; he ſtaid in the houſe the remainder of the day of Friday.

Q. The horſe remained in the ſtable all Friday?—*A.* The ſtable yard.

Q. Do you know the other priſoner, Holderneſs?—*A.* Yes, I do; he came on the Sunday evening, much about eight o'clock; the horſe remained there Friday and Saturday.

Q. How did he come?—*A.* He came on horſe-back.

Q. When he arrived at your houſe, was the other priſoner there?—*A.* He was.

Q. Where did they meet each other?—*A.* I believe, Swaine might expect him, for they went into the yard together; they had been at my houſe five or ſix weeks before that, and Swaine ſtaid then eight or ten days.

Q. When you ſaw them both together, and they appeared acquainted with each other, do you remember any converſation paſſing relative to this buſineſs?—*A.* Not till the next morning; when I ſaw them before, they deſcribed themſelves as partners in a coach, and dealers in horſes.

Q. Did they give any other account of themſelves at all then?—*A.* I don't recollect that they did.

Q. Where did they ſay that they came from?—*A.* Ealing, in Eſſex; this was the former time.

Q. Now, on the Monday morning, you ſay you had ſome converſation, were they both together at that time?—*A.* Yes, about nine o'clock; they both requeſted me to go and ſee the horſe.

Q. Was it before the time they requeſted you to go and ſee the horſe, that you received the hand-bill?—*A.* I received the hand-bill before; Swaine ſays to Holderneſs, I have ſhewn Mr. Wyatt the horſe, and he does not chuſe to buy him; he thinks

thinks he is rather too ſluggiſh; then I was requeſted, by Holderneſs, to ſee the horſe.

Q. Tell us what paſſed when you were with the horſe?—*A.* I aſked Holderneſs the price of the horſe, and he aſked me twelve guineas; I did not become a purchaſer, I was confident, from the deſcription of the hand-bill, it was the horſe belonging to Mr. Goſling; they deſired me, if I thought him too ſluggiſh, to run him in my coach; I did not immediately ſay I would not, becauſe I was in expectation that the horſe would be owned; I had, on the Saturday, ſent up information, from what the hand-bill expreſſed, to Mr. Bennett, at the Roſe and Crown, Hounſlow.

Q. Did you try him in the ſtage?—*A.* No; I kept them in ſuſpenſe about trying the horſe.

Q. Did either of them ſay where they got the horſe, or purchaſed the horſe?—*A.* They ſaid they bought him, but I don't recollect they ſaid where.

Q. All this happened on the Monday?—*A.* It did.

Q. How ſoon did any body arrive at Banbury?—*A.* I believe it was between ten and eleven o'clock at night, on Monday evening; Hall came.

Q. Was he ſhewn this horſe?—*A.* Yes; and he owned him as the property of Mr. Goſling, he deſcribed the horſe before he ſaw him.

Q. Where were the priſoners at this time?—*A.* They were in bed in one of my rooms; on the next morning, about nine o'clock, I made known the charge I had got againſt them, and charged them in cuſtody of the officer.

Q. You were preſent at the time the peace-officers ſecured them?—*A.* I was.

Q. Did they ſay any thing?—*A.* They ſat with their backs to the light, conſequently the conſtable was behind them; the conſtable ſaid, you muſt go with me.

Q. What did they ſay?—*A.* They ſaid they ſhould not go till they knew what it was for; I told them, it was in conſequence of horſe-ſtealing; they requeſted to know which horſe it was, Holderneſs did, and Swaine was cloſe by him; I told them it was the black horſe; Mr. Goſling's ſervant came in, and they turned round from the table, and Holderneſs ſaid, he lived ſervant with Mr. Goſling.

Court. Q. Was that before Hall had ſaid any thing to them?—*A.* He had made his appearance, but he had not ſpoke, Mr. Goſling's name had not at all been mentioned; the conſtable ſaid, I muſt not be detained here, you muſt go with me; and he took them before a Magiſtrate, and he committed them to Oxford Caſtle; that is all I know about it.

Croſs-examined by Mr. Alley. Q. I underſtand the priſoner, Swaine, came to your houſe on the Friday evening?—*A.* On the Thurſday evening; the other came three days after.

Q. There are a good many other inns in the town beſides your's?—*A.* There is but one other inn.

Q. Notwithſtanding it was thus public, from hand-bills paſſing through the town, yet thoſe men remained in your houſe afterwards, and actually wanted to part with the horſe?—*A.* They did.

Q. You have told us when the horſe came to your houſe it was docked?—*A.* Yes, it was.

Q. Therefore it was nothing uncommon in taking the ſhears and dreſſing a horſe?—*A.* Nothing uncommon.

Mr. Knapp. Q. You are the Poſt-maſter?—*A.* Yes.

Q. Did you receive any other hand-bill, except the one you have mentioned, by the poſt, anſwering the deſcription we have heard of?—*A.* None at all.

Q. Were there any other hand-bills that came in the form of a letter by the Poſt directed to other publicans?—*A.* There was no other hand-bill that came to Banbury that day to my knowledge.

Court. Q. Have you got the hand-bill?—*(The hand bill produced).*

Mr. Knapp. Q. Are you ſure this is the hand-bill you received?—*A.* Yes; I put my own mark upon it when I received it. *(It is read).*

"Stolen or ſtrayed away, on Tueſday, October 31, 1797, from a field belonging to George Goſling, Eſq. a black horſe, near fifteen hands high, a ſtar in his face, two ſaddle-marks on each ſide, a long ſwitch tail, and rather hollow-backed; whoever finds him ſhall receive a reward of thirty guineas. Apply to Mr. Bennett, the Roſe and Crown, Hounſlow."

The priſoners made no defence.

The priſoner Holderneſs called four, and Swaine five witneſſes, who had known them from two to ten years, and gave them a good character.

Holderneſs NOT GUILTY.
Swaine GUILTY Death.

The Jury recommended Swaine to mercy on account of his good character.

Tried by the ſecond Middleſex Jury, before Mr. Baron THOMPSON.

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205. JAMES WARREN was indicted, together with JOHN DAVIS, for the wilful murder of a certain perſon to the Jurors unknown.

EDWARD FUGION *ſworn.*—I am an officer belonging to Bow-ſtreet: I was ſent, on the 24th of December laſt, to Portſmouth, to convey the priſoner to town; he was in cuſtody of the goaler of Goſport; he was brought from on board a man of war that had come from the Weſt-Indies; I brought him to town, and in the courſe of that journey, I had an opportunity of converſing with him.

Court.

Court. Q. How did he converſe?—*A.* He converſed very reaſonably; there was nothing in his appearance that gave me any idea of infanity.

Q. Or nothing wanting in his natural capacity?—*A.* Nothing; in the coach I had a great deal of converſation about the murder, and he told a very plain ſtory; I told him one Stephens was in cuſtody, that he had given information of in the Weſt-Indies; Stephens, ſays he, that is not the man, you have took the wrong man, at which I was very much ſurpriſed; I aſked him what Stephens it was, and he ſaid, it was another Stephens, that had lived in the ſame family; upon enquiry, I found that no other Stephens had lived in the family; I enquired at Mr. Cook's, the place he had mentioned; I brought the priſoner to town, and he gave the ſame information before Mr. Ford, on the 27th of December; he was a ſoldier in Martinique, and was ſent home on his voluntary confeſſion of this murder.

PETER BENTLEY *ſworn.*—I am a labourer, I live at Stratford; I lived there in the month of July 1794.

Court. Q. Were you employed in any part of that year by any farmer at Bromley?—*A.* Yes, by farmer Mann, July four years coming on, I was employed in cutting of corn.

Q. What day was it you found any thing?—*A.* I cannot ſay what day it was, it was in the month of July, about two o'clock in the afternoon; there were ſix of us togetner.

Q. Was Hemming one?—*A.* He was the firſt man that found it.

Q. Was Finch one?—*A.* No.

Q. What were you cutting?—*A.* We were cutting rye.

Q. What did you find?—*A.* We found a dead body; it was lying about twenty yards in the corn out of the lane.

Q. What ſtate was it in?—*A.* Very bad indeed; it appeared to have laid there a fortnight or three weeks; his eyes were eaten out of his head, his noſe eat off, and his tongue out of his mouth.

Q. What marks of violence did there appear about his body?—*A.* He was ſtuck under his right ear; I obſerved a knife lying by his right ſide, on his coat, it was a pen-knife.

Q. Deſcribe how the body was dreſſed?—*A.* He had a new pair of breeches on, and a mixture-coloured coat, like a pepper-and-ſalt colour; he had a pair of velveteen breeches on, of a quite light colour.

Q. What do you mean by velveteen, it was not leather breeches?—*A.* No; he had a kerſeymere waiſtcoat on of a light ſtripe, and a flannel waiſtcoat under that; he had a round hat, it was upon his head when I found it, and one ſide of it was rotten.

Q. Were his pockets ſearched?—*A.* His coat pockets were ſearched; there was one farthing, a tobacco-box, a pair of ſpectacles, and a pocket-handkerchief, a linen one; the body was carried to the Cherry Tree, at Bromley; I helped to fetch it out for the coroner to ſit upon it; I have lived there ever ſince, and work at the ſame place I did then.

Q. So that, in all probability he was not a man known in that neighbourhood?—*A.* Not that I have heard.

Q. Did his pockets appear to have been turned out when you found him?—*A.* Not that I ſaw.

Q. Was there any appearance in the corn of the body having been dragged?—*A.* There was a path-way.

Q. But you had never heard of any body having found it before you?—*A.* Never at all, I never heard any body had.

Q. Did you happen to know the priſoner?—*A.* Yes, I knew him very well, I knew him a boy; I knew him when he lived at Mr. Atkinſon's, on the Green, at Stratford.

Q. What employment was he in at Mr. Atkinſon's?—*A.* As a ſervant, a livery ſervant.

Q. Did he live with Mr. Atkinſon at the time you are ſpeaking of?—*A.* No, not at that time.

Q. Where did he live at the time you are ſpeaking of?—*A.* He lived with one Hawkins, a gardener, at Stratford.

Q. How lately did you ſee him after finding the body?—*A.* It might be a twelve-month; he continued in the neighbourhood for a twelve-month after.

Q. During that time, was he diſcharged for any thing of this ſort?—*A.* I never heard any thing about it.

Q. Of courſe, finding the body under theſe circumſtances, was very notorious?—*A.* Yes, the field was ſoon full; it was given out to be Mr. Phillips's collecting-clerk.

Q. Mr. Phillips is a brewer?—*A.* Yes.

Q. But that turned out not to be ſo?—*A.* I cannot ſay whether it did or did not.

Q. However the rumour was, that it was Mr. Phillips's collecting-clerk?—*A.* Yes.

JOHN HEMMINGS *ſworn.*—*Court.* Q. Were you employed in the month of July, 1794, by farmer Mann,—*A.* Yes.

Q. Were you mowing a piece of rye, with Bentley and others?—*A.* Yes, I was the firſt that found the body; the rye field is very near Bromley, it is in Middleſex; we found a man lying in the rye.

Q. Deſcribe his appearance?—*A.* About twenty yards from the lane we found him, he was lying on his right ſide, in a very putrid manner, his eyes were

were eat out, his noſe off, and his tongue out, and all full of vermin; I perceived nothing of violence except a mark juſt under his right ear, and a penknife lying by his ſide; he had a mixture coat on, it was a lightiſh colour, it was rather more a brown than a green, a kerſeymere waiſtcoat, a white ſtriped one, a flannel waiſtcoat, and a pair of breeches about the ſame ſort of mine, but rather lighter, I cannot tell what they are called.

Q. They were not leather?—*A.* No, they were velveteen, of a very light colour; he had a pair of good boots on, a very good hat, only the under ſide was rotted off, it was a round one; he was carried to the Cherry Tree, and it never was diſcovered who this man was that ever I heard.

Q. Was there any rumour in the country at the time who it was ſuppoſed to be?—*A.* It was reported that it was Mr. Phillips's collecting-clerk.

Q. But that turned out not ſo?—*A.* I cannot tell.

Q. What did you find in his pockets?—*A.* I found nothing but a tobacco-box, a pair of ſpectacles, a pocket-handkerchief, and a farthing.

Q. Could you form any idea of his age from his perſon?—*A.* We could not tell, it was ſo much putrified.

Q. Were his pockets turned out?—*A.* No, I did not perceive there was any pocket turned out.

Q. Had he his own hair?—*A.* Yes, but I cannot tell the colour.

Q. Did you examine his boots?—*A.* No, I did not; I only put my hand and touched them when I found him firſt.

Mr. WALTER *ſworn.—Court.* Q. You were the coroner that took the inquiſition upon the body of an unknown perſon?—*A.* Yes, on the 17th of July, 1794.

Q. The two witneſſes that have been examined, were examined before you?—*A.* They were.

Q. Will you deſcribe the ſtate of the body?—*A.* The body was in ſo putrid a ſtate we could not perceive one feature in the face, the eyes were out, and the noſe gone, the whole was in that putrid ſtate it was impoſſible to tell; the dreſs, I underſtand, was a ſage-green coat, *(reads from the examination taken at the time)*, nankeen breeches, new boots, a frill to the ſhirt, but no ruffles; in his boots were written *Edward Chadpole*, and his ſhirt was marked A R Z, he had a round hat, with the name John Whitely, manufacturer, Piccadilly.

Q. There were no means of tracing who he was?—*A.* A clerk of Mr. Phillips's had at that time abſconded with a large ſum of money, I knew the clerk well, which made me more particular in the examination of the body, a rumour had gone abroad that it was him, his name was Dickinſon, he is ſince returned, and is now in Mr. Meux's brewhouſe; I directed the officers of the pariſh to make every poſſible enquiry, but it has not been diſcovered to this day who the perſon was.

Q. In all probability it could not be any body in the neighbourhood?—*A.* There was no perſon miſſing at that time.

Q. Did you happen to know any thing about the priſoner at this time?—*A.* No, I did not; the Jury found the murder to have been committed by a perſon or perſons unknown, on the body of a perſon unknown.

Mr. FORD *ſworn.—Court.* Q. Mr. Ford, when were you applied to with reſpect to the priſoner?—*A.* I was at the Secretary of State's office, I believe, when the letter came from the Weſt-Indies.

Q. In conſequence of the letter coming from the Weſt-Indies what was done?—*A.* Having read one of the incloſures in that letter, I directed an enquiry to be made, reſpecting the perſons he had charged with the murder, in order that I might have them apprehended; when the priſoner came to England, I found one of the perſons was a gardener, his name was Stephens, and another perſon of the name of Davis, who was a coachman to a gentleman in Kent, but I could not diſcover any thing at that time about it; I then wrote to the Mayor of Portſmouth, deſiring him to keep the priſoner till I ſent for him; when I heard he was arrived from the Weſt-Indies, I ſent down an officer to bring him to London, and another officer to apprehend Stephens, Stephens was apprehended before the priſoner came to town, I examined him, and he denied it; I then examined the priſoner, his examination your Lordſhip has got.

Q. That, of courſe, was carefully taken, and contains the account he gave of the tranſaction? *(The examination produced.)* *A.* Yes, it is in my own hand-writing, and ſigned by the priſoner, I ſaw the priſoner make that mark.

Q. Were either of theſe men produced before the priſoner?—*A.* There were three ſhewn him; Stephens, Davis, and Skinner, they were ſhewn to him at different times; Stephens was ſhewn to him at the firſt examination; I had Stephens put into a yard, among other perſons; and I made the priſoner look out of a window, to ſee if amongſt theſe perſons any one of the murderers were aſſembled, he ſaid no, none of them were there; I aſked him to look again, to ſee if any body was there that he knew, then after ſome time, he ſaid he knew one Stephens that was there, upon which I had Stephens confronted with him; he then ſaid, that was not the Stephens that had been concerned with the murder.

Q. Did that Stephens anſwer the deſcription he had given of him?—*A.* Yes.

Q. Did any other Stephens anſwer the deſcription

tion in his information except him?—*A.* No; no other perſon came.

Q. There was no other Stephens anſwered the deſcription but this Stephens, and when ſhewn to him, he ſaid, that was not the Stephens?—*A.* He ſaid it was not.—In regard to Davis, nearly a ſimilar circumſtance took place: he was put into the yard with the others, and he ſaid, there were none of the perſons concerned in the murder, but that he knew a man there whoſe name was Davis, but that was not the man he meant.

Q. Did he, after that, give any other account of any other Davis or Stephens?—*A.* No.—With reſpect to the other, he was ſhewn a man anſwering the deſcription of Skinner, he ſaid he did not know him, that was not the Skinner.

Q. Did he acknowledge this was what paſſed upon his examination in the Weſt Indies?—*A.* He acknowledged it was the ſubſtance of what paſſed in the Weſt-Indies, except he had never ſaid, that Stephens had cut the man's throat.

Q. Then, in fact, he did not deny that perſon was ſaid to be Mr. Phillips's clerk?—*A.* No.

Q. Was that paper tranſmitted from General Taylor, in the Weſt Indies?—*(The paper produced.)*

A. Yes; they were given to me in this manner,

Q. The priſoner has depoſed that Stephens and Davis were concerned in the murder, did he admit before you that part of his depoſition?—*A.* He did.

Q. He underſtood, and admitted that he had ſaid the perſon that was murdered, was the brewer's clerk?—*A.* Yes.

Q. And that that was the account he had given of it in the Weſt Indies?—*A.* Yes; there were no other perſons to be found of that deſcription, and he ſaid, they were none of them the perſons that he meant.

(The examination read).

" Middleſex to wit. Examination of James Warren, private in the 47th regiment of foot. This examinant ſays, that, about four years ago laſt harveſt, as he was coming up Whitechapel, he met George Stevens, John Davis, and Thomas Skinner, they went to a public-houſe called the Three Drovers, where they had three pots of beer, when Davis propoſed to him taking a walk with them to a public-houſe at Oldford; that they all went there, and ſtopped there eating and drinking till three o'clock in the afternoon; that none of them then ſaid a word about robbing or murdering any body; about half paſt three, Davis propoſed taking a walk acroſs the field, which was agreed to; that, in a field, they met a gentleman coming towards them in a blue coat and bucks-ſkin breeches, the gentleman paſſed them all, except Davis, who was behind, and believes Davis knocked the gentleman down, for when he turned round, he ſaw the gentleman upon the ground, and he and Stevens, and Skinner, then went up and aſked Davis what was the matter with the gentleman, if he was in liquor? upon which he replied, he has plenty of money, let us have ſome of it; Davis then took out a ſmall pen-knife, and while Skinner and Stephens laid hold of him, Davis cut the gentleman's throat, the gentleman ſtruggled, but did not ſay any thing; Davis then took ſome notes out of the gentleman's pocket, and ſome caſh ou of his breechest pocket; that he took out a great deal of caſh, and put it into his own pocket; he then dragged the body into the corn, the field having either wheat or rye in it, he thinks the latter, that it was pretty high, and that it quite hid the dead body.—This examinant ſays, that when Davis firſt ſaw the gentleman, he ſaid, he believed that he knew him; that after they had ſo committed the murder, they went to Whitechapel, and from there to Red-Lion-ſtreet, where they had ſome beer, and afterwards to a public-houſe in Holborn, where they had ſome beer, and went into a private room, and Davis ſhared the money amongſt them, and gave the examinant 150l. 50l. and 10l. in notes, and the reſt in guineas; Davis ſaid, the murdered gentleman had been gathering money from public-houſes, and was a collecting clerk; after they had ſhared the money, the examinant went away, and got home about two o'clock in the morning; the examinant lodged at Stratford; he carried the money generally about him, and about a fortnight afterwards, he changed the 50l. note at the Coach and Horſes, at Stratford, that he had in change a 10l. note, and the reſt in caſh; that the landlord changed it, his name was Gibſon; the examinant lived on at Stratford, and worked labouring work as uſual, and in about twelve months had ſpent all the money; that he had drank a good deal, and was a good deal troubled in his mind, ſo much ſo, that about a year and a half ago he enliſted as a ſoldier with ſerjeant Jervis, at Stratford, and ſix months afterwards, was ſent to the Weſt Indies, with three hundred men, to recruit the troops at Matinique; he ſays, once after the murder, he met Davis, Stevens and Skinner, and drank with them at a public-houſe in Whitechapel; that he had ſeen Davis at a public-houſe in Red-lion-ſtreet, about two months after the murder; he afterwards ſaw him driving a hackney-coach in Holborn, and drank with him; and he has never ſeen Stevens or Skinner ſince; that when the murder was committed, Davis left the knife near the dead body, it had a black handle. Examinant ſays he thinks he was born near Saffron-Walden, in Eſſex, and is about thirty years of age, and that the priſoner now ſhewn to him, Stevens, was not the perſon who was with him, when he committed the murder aforeſaid.

Signed, James Warren."

" Further

" Further examination of James Warren. Davis, mentioned in the former examination, is a coachman, thirty years old, rather luſty, about five feet eight inches tall, wore his own lank hair curled at the ſides and ſhort behind, had on a blue coat, round hat and boots; that after he had cut the gentleman's throat his hand was bloody, and he waſhed it at a ditch; that he does not know where he is now.—Examinant further ſays, Stephens is about five feet eight inches high, longiſh noſe, older than Davis by a few years, and wore a drab coat; that examinant knew him where he lived, five or ſix years before, as gardener at Mr. Cooke's, the diſtillers, at Bow, but does not know where he lived when the murder was done. With regard to Skinner, he never ſaw him till the day of the murder; he looked like a labourer, about forty years old, black hair hanging over his ſhoulder, ſtoutiſh made, black eyes, and full thick noſe.—Examinant was in liquor at the time the murder was done.

EDWARD FUGION *called again.*—*Q.* Were you, in conſequence of the examination of the priſoner, employed to inquire after either Davis, Skinner, or Stephens?—*A.* Yes, Stephens.

Q. Did you find him?—*A.* Not the Stephens that was firſt apprehended; Sayers is here who apprehended him firſt.

JOHN SAYERS *ſworn.*—I apprehended Stephens; I made the firſt inquiry in Red-lion-ſtreet, Holborn, after Davis.

Q. What led you to inquire there?—*A.* I believe it was in conſequence of the confeſſion of this man, that firſt led me to inquire there.

Q. What was his name?—*A.* I am not ſure, I believe, John; I found that he lived with a gentleman in Mark-lane; in conſequence of that I went there, and learned that he was in the country, and the gentleman ſaid, he would produce him on any day at Bow-ſtreet, when the priſoner was examined again.

Q. Was he produced?—*A.* Yes; he came to Bow-ſtreet.

Q. Why did you go to Red-lion-ſtreet to inquire?—*A.* In ſome part of his confeſſion, he ſaid he was a coachman, and he had lived with a Mr. Atkinſon, in Red-lion-ſtreet, there I learned that Mr. Atkinſon was gone away; I told them I wanted to ſee his coachman, that I was juſt come out of the country; in conſequence of that, I found him in Mark-lane, and he was produced at Bow-ſtreet; I went to one of the India Warehouſes and apprehended Skinner; Warren had deſcribed him as a coachman too; from the deſcription of Skinner, I made inquiry among the Hackney-coachmen how many Skinners there were Hackney-coachmen, and there I learned there were three brothers; I aſked if there was any one of them that had long carrotty whiſkers; and they ſaid, yes, there was one.

Q. Had the priſoner deſcribed him as ſuch?—*A.* Yes, but not in my hearing; I learned that two of them were dead; I apprehended the one that was living, and took him to Bow-ſtreet; the priſoner, to the beſt of my knowledge, ſaid, that he knew that man, but he was not the man that he meant; I afterwards went to Hendon, and apprehended Stephens, and brought him to Bow-ſtreet; the priſoner knew him but ſaid he was not the man.

Q. *(To Mr. Ford.)* Did he give you any better information where theſe men were to be found when they turned out not to be the men?—*A.* No, he did not.

Fugion. When that Stephens was produced, he ſaid there was another Stephens that lived with the ſame maſter before this Stephens came there, but upon inquiry, we learned that there had not lived any other Stephens in the family.

CHARLES GIBSON *ſworn.*—In the year 1794, I lived at the Coach and Horſes at Stratford; I had lived there ſeven years before that.

Q. Look at the priſoner at the bar, did you happen to know him while you lived at Stratford?—*A.* Perfectly well.

Q. What was he?—*A.* I never knew he had any conſtant employment; I took him to be a labourer with Mr. Atkinſon, I did not underſtand him to be a yearly ſervant, he was among the coachmen.

Q. You muſt have remembered the ſtory of a perſon having been found apparently murdered in the corn-fields?—*A.* Yes, I do recollect the circumſtance.

Q. It was very notorious, was it not?—*A.* Yes.

Q. Did the priſoner ever frequent your houſe?—*A.* Sometimes he did.

Q. Either before or after the time of this perſon being ſo found dead had the priſoner ever changed any note with you?—*A.* No, never in his life.

Q. Did he ever make any application to change any Bank-note, or other note?—*A.* No, he did not.

Q. Is it poſſible that you may have changed a note for him, and that it had eſcaped your memory at this time?—*A.* I do not think it poſſible.

Q. Could ſuch a thing, as changing a fifty pound note for him, have eſcaped your memory?—*A.* It is impoſſible.

Q. Were you regular in the accounts you kept of your caſh?—*A.* Once in twenty-four hours I know to a penny, or thereabouts, what I had.

Q. Have you referred to your memorandums, or accounts?—*A.* I have.

Q. And nothing of that kind appears?—*A.* Nothing of the kind.

Q. And therefore, it is impoſſible that any thing of the kind can have happened to you?—*A.* Certainly;

tainly; more eſpecially as coming from ſuch a man; ſuch a thing as a fifty pound note does not very often come by me.

Court. (*To the Priſoner.*) Q. Do you wiſh to ſay any thing for yourſelf?

Priſoner. No, nothing at all.

NOT GUILTY.

Court. Priſoner. If it had not been that the laws of this country will not ſuffer the life of a man to be take away, even upon his own confeſſion, without a cloſe examination of all the circumſtances of the caſe, in all probability your life might have been forfeited, and I don't know whether it would have been much to be lamented or not if that had ſo happened; you have been guilty of a groſs falſehood, probably with a view of evading the ſervice of your King and Country in that part of the world in which you happened to be; it is to be hoped, however, that your intentions will be fruſtrated, and that you will be ſent back to the ſame, or a ſimilar ſtation, where you may be in a condition to ſerve your King and Country.

Tried by the ſecond Middleſex Jury, before Mr. Baron THOMPSON.

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206. ANN GANLEY, otherwiſe JOHNSON, was indicted for feloniouſly ſtealing, on the 12th of January, two cotton bed-curtains, value 7s. two linen ſheets, value 8s. a cotton window-curtain, value 2s. two feather pillows, value 6d. two linen pillow-caſes, value 2s. a woollen blanket, value 5s. a cotton counterpane, value 4s. a looking-glaſs in a gilt frame, value 7s. a flat-iron, value 1s. a braſs candleſtick, value 1s. three earthen-ware plates, value 6d. two knives, value 6d. two forks, value 6d. and a wine glaſs, value 3d. the property of John Hickſon, in a lodging-room, let by him to the ſaid Ann, and a certain man whoſe name is Johnſon, and whoſe Chriſtian name is unknown.

JOHN HICKSON *ſworn.*—I keep a lodging houſe, No. 1, Robinhood-court, Shoe-lane, in the pariſh of St. Andrew: My wife and I let the lodgings to the priſoner, about the 24th of November, I cannot be poſitive to the day; ſhe came to me, and aſked the rent of the room, I had a bill up; I told her it was three ſhillings a week, it was a furniſhed lodging; ſhe went up to look at the room with my wife; ſhe ſaid ſhe liked the room very well, ſhe agreed to take it; ſhe offered a tea-pot, which ſhe pulled from under her long cloak, as earneſt; I told her it was uſual to have a character from the laſt place where ſhe lodged; ſhe pauſed for ſome time, and appealed to a woman cloſe to her elbow, who came with her; ſhe ſaid, this is my aunt, ſhe will anſwer for my character; I told her that would not do; I told her I preferred having a character from the laſt place where ſhe lodged; after ſome heſitation, ſhe gave me an addreſs to a Mrs. Chevis, in Suffolk-ſtreet, behind the Mint, between that and the King's-Bench; it was a very dark night, I went over notwithſtanding the darkneſs of the night, I found the houſe with much difficulty, Mrs. Chevis opened the door; in conſequence of a converſation between Mrs. Chevis and me I let her the lodgings; ſhe called, ſoon after I came home, to know if her character anſwered, and I ſaid, yes, and ſhe came in that ſame night; I let it to her as a married woman, ſhe ſaid, her huſband worked on Snow-hill, at a watch-maker's, that his name was Johnſon; this was one Wedneſday, and ſhe told me ſhe would pay me the half week on the Saturday night; ſhe ſaid, Mr. Johnſon was out of town, ſhe expected him home on Saturday.

Q. Did ſhe tell you his Chriſtian-name?—*A.* No; he came on the Saturday night, and went away on the Sunday morning following; I have never ſeen him ſince.

Court. It is impoſſible to go on upon this indictment; the priſoner is charged, as a ſingle woman, with having robbed her ready furniſhed lodging; the fact is, that Hickſon contracts with her as a married woman, and therefore the contract is with the huſband, who would have been anſwerable for the rent.

NOT GUILTY.

Tried by the London Jury, before Mr. Baron THOMPSON.

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207. ROBERT FENTON was indicted for feloniouſly ſtealing, on the 5th of January, twenty-one beaver ſkins, value 5l. and nineteen fox ſkins, value 4l. the property of Simon Mactagot, John Frazer, James Frobiſher, and James Hannibal, in a certain lighter of John Briant, upon the navigable river of Thames.

Second Count. Laying them to be property of John Briant.

Third Count. Laying them to be the property of certain perſons to the Jurors unknown.

(*The caſe was opened by Mr. Knowlys.*)

—— ROWE *ſworn.*—*Examined by Mr. Knowlys.* I am a ſkin-broker: On the 12th of February, I received a note from Mr. Waldock, furrier, in Buſh-lane, Cannon-ſtreet; I went there, and ſaw ſeventy-two beaver ſkins, upon my looking at the ſkins, and from their being in a rough ſtate, I was convinced in my own mind, that they were taken out of ſome bales that my people had been landing that week out of the Uretta, Capt. Patterſon, from Quebec; there was no other Quebec ſhip unloading at that time.

Q. To whom was that cargo conſigned?—*A.* Meſſrs. Mactagot, Fraſer, and Co. and different merchants in London; the whole ſhip's cargo came to my warehouſes; I went to the warehouſes to examine the beaver ſkin bales, and found a deficiency in many of them.

Croſs-

Croſs-examined by Mr. Knapp.—Q. Where wa the Uretta lying?—*A.* At Wapping.

Q. On the Middleſex ſide?—*A.* I believe it was on the Surry ſide; the lighterman is here.

Court. Q. Could they have been in any furrier's hands?—*A.* They could not.

Q. Could they have gone fairly into any other hands but your's?—*A.* No, none.

JOHN BRIANT *ſworn.—Examined by Mr. Knowlys.* I am a lighterman: I was employed to unload the ſhip Uretta.

Q. Where was ſhe lying?—*A.* At King's ſtairs, Rotherhithe.

Q. Was the priſoner employed by you?—*A.* Yes, he was a lighterman in my employ.

Q. Did he bring the goods up to London?—*A.* I have been ſo extremely ill, that I have been obliged to let my foreman Waller do my buſineſs, he is here.

Court. Q. What was the priſoner's employ?—*A.* To bring goods up to Bear-quay.

Mr. Knapp. Q. It was his duty to bring them from the ſhip, on the Surry ſide of the water, to Bear-quay?—*A.* Yes.

Q. And then they were put into the hands of the watchman?—*A.* Yes.

WILLIAM WALLER *ſworn.—Examined by Mr. Knowlys.* I am foreman to Mr. Briant, the lighterman.

Q. Was the priſoner employed by you?—*A.* He was employed to bring up three craft; he was not the man that ſtowed them, nor the man that watched them; I lent him a hand up with one of them part of the way, up to Porter's-quay.

Q. Had not he the care of the craft?—*A.* No; he always had another man with him.

Q. Who unloads the craft when it gets to the quay?—*A.* Ticket-porters unload them.

Q. You came up with him with the lighter, did you leave him with the lighter?—*A.* No, I did not.

Q. Did you go away together?—*A.* I cannot rightly ſay, but I know I was pretty well the laſt man that left that craft, barring the watchman.

Q. How long has be been engaged in unloading fur ſhips?—*A.* I cannot ſay he was engaged at all in unloading the ſhip.

Q. Was it his buſineſs to bring them up?—*A.* Yes.

Q. How long has he been employed to bring up the craft?—*A.* I cannot ſay, it may be two or three years.

Q. How long have you known him?—*A.* Sixteen years.

Q. How long have you known him engaged by Briant?—*A.* Eight or nine years.

Q. Has he, during that time, been engaged in bringing up the craft from fur ſhips?—*A.* Yes.

Croſs-examined by Mr. Alley. Q. How long have you been employed yourſelf?—*A.* Near ten years, I believe.

Q. Have you continued in his employ all that time?—*A.* Yes.

Q. The priſoner has alſo been employed between eight and nine years?—*A.* Yes.

Q. It was not the priſoner who was at all entruſted with the property?—*A.* No.

Q. Have you not Cuſtom-houſe officers on board, to whom the care of the property is committed?—*A.* Yes, during the time they are on board.

Q. There was alſo a watchman belonging to the merchants?—*A.* Belonging to the captain there was.

Q. Then to them was committed the cuſtody of the articles on board the lighter?—*A.* Yes.

Q. After you come up to the ſhore, is it not committed from the officers belonging to the ſhip, to officers belonging to the ſhore?—*A.* Yes; as ſoon as we were ſhoved in ſhore, there was a watchman ſat, but he ſeemed to be in liquor, and there were two watchmen of Mr. Briant's put into the lighter.

Q. Then the cuſtody of the lighter was given to them?—*A.* Yes.

Q. What was the duty of the priſoner, after the charge was given to theſe men?—*A.* To go home, if he pleaſed.

Q. Was it not his duty to have gone on board?—*A.* No.

Q. But is it not the uſual cuſtom?—*A.* Yes.

Q. Whatever you took from the Uretta, was taken on the Surry ſide of the river.—*A.* Yes.

Q. Upon the oath you have taken, was there an opportunity, all the time the priſoner was on board, to have cut, untied, and tied up again thoſe bales, without your obſerving him, or the Cuſtom-houſe officers?—*A.* I ſhould think not.

Q. When you came on ſhore, were you not moored alongſide other lighters, not belonging to Briant?—*A.* Yes, many empty lighters.

Q. Do you know whether this was a lighter that belonged to Briant, or one that was hired for that day for the purpoſe of carrying theſe goods?—*A.* It belonged to Mr. Briant.

Q. How long were you on your paſſage from the ſhip Uretta to the ſhore?—*A.* I look upon it to be about half an hour.

Q. What diſtance was it from the ſhip to the Cuſtom-houſe?—*A.* Beſt part of a mile.

Q. Were you on board from the firſt?—*A.* No, I came on ſhore about half way between the ſhip and where the lighter went to land; the tide ran very hard, that made me go to aſſiſt him.

Court. Q. Who was on board beſides?—*A.* A Cuſtom-houſe officer, and a watchman from the ſhip; I do not know the name of either.

Q. How

Q. How many lighters had the priſoner under his care that day?—*A.* No other than that lighter.

Q. You told us he had three lighters under his care?—*A.* He brought three different lighters from that ſhip, during the time ſhe was there, which might be ſeven or eight days.

Q. But howmany were there on the 5th of January?—*A.* I don't think there was more than that one came from there that day, that was the firſt lighter, I think.

Q. What time was it when you landed?—*A.* It might be near three o'clock.

Q. Where was your lighter?—*A.* I was in the lighter with the priſoner.

Q. You did not aſſiſt in loading her?—*A.* No; nor the priſoner either.

Q. How do you know that, if you were not there?—*A.* He was not there at the time, I am well convinced.

Q. Where were you?—*A.* I cannot rightly ſay, I was at all parts of the River looking after buſineſs.

Q. When you came on ſhore, who went on ſhore firſt?—*A.* I went on ſhore firſt, I think.

Q. Who did you leave on board then?—*A.* There was nobody left on board the lighter.

Q. How came you not to look after the watchman, to take charge of the lighter?—*A.* The captain's men, I believe, returned to the ſhip.

Q. What became of the officer?—*A.* He went to the ſhip, I expect, I cannot tell, they muſt leave their note before they leave the lighter.

Q. They muſt leave it with whom?—*A.* With the King's officer on ſhore.

Q. Did he do ſo?—*A.* I cannot ſay.

Q. Did he come away with you?—*A.* I do not know.

Q. Then what became of him?—*A.* I cannot ſay what he went after.

THOMAS SAVILLE *ſworn.—Examined by Mr. Knowlys. (Produces the ſkins).* I am foreman to Mr. Waldock, furrier, in Buſh-lane, Cannon-ſtreet.

Q. He is a quaker, I believe?—*A.* Yes.

Q. Were thoſe ſkins brought to your maſter's houſe and when?—*A.* Yes; I think on the 12th of January, by Mr. Redmaine's porter.

Q. Do you mean that Mr. Redmaine, who was taken to the Union-office and committed for receiving theſe ſkins?—*A.* Yes; I ſaw Redmaine the next morning come to receive ſome money.

Q. Did Mr. Rowe come to your houſe and ſee theſe ſkins?—*A.* Yes.

Q. Were there any ſkins produced at Union-hall, when Fenton was in cuſtody?—*A.* I do not remember that there were any of theſe ſkins taken there.

——— JELLICOE *ſworn.—Examined by Mr. Knowlys.* Q. You are one of the clerks at the Union office in the Borough?—*A.* I am.

Q. Were you preſent when Fenton and Redmaine were produced at the office?—*A.* I was.

Q. What was Fenton charged with there?—*A.* On ſuſpicion of ſtealing ſome ſkins.

Q. Were the ſkins at Mr. Waldock's, on the ſubject of enquiry?—*A.* Yes.

Mr. Knapp. Q. Were the ſkins there?—*A.* No.

Q. Upon that occaſion, was Fenton's examination taken down in writing?—*A.* Yes.

Q. Was any promiſe of favour made, if he gave an account of it?—*A.* No.

Mr. Knapp. Q. What was taken down was read over to him?—*A.* I believe it was.

Q. Will you ſwear that?—*A.* I will not be poſitive that it was read over to him; he looked over the book himſelf, as I had taken it down before he ſigned it.

Q. Did he do more than ſign it, without reading it?—*A.* He deſired to look at what he ſigned before he ſigned it.

Q. Who handed the book over to him?—*A.* He ſtood cloſe to the table where I was.

Q. From the time it was written, to the time he ſigned it, had he time to read it over?—*A.* He had; he was deſired by the Magiſtrate to read it.

Mr. Knowlys. Q. Was he not frequently cautioned, by the Magiſtrate, not to ſign it till he had read it over?—*A.* He was.

Q. Did he ſign it?—*A.* He did.

Q. Did the Magiſtrate ſign it in your preſence?—*A.* Yes.

Q. Is that the original examination?—*A.* It is. *(Reads).* "I took the ſkins to Redmaine, now preſent; I went to him firſt, and aſked him to buy them; he ſaid he could not ſay what he could give for them, till he ſaw them; Redmaine paid ſix guineas in part; he ſaid they might be worth 30l. or 40l.; I had alſo 10l. of him, four guineas, and other ſmaller ſums; I found the ſkins in a lighter, I ſaw ſomething white under the edge of the lighter; it was not the lighter employed to bring the goods, but an empty one; I told Redmaine I found them in the lighter."

Q. Was this man charged with ſtealing other ſkins that were preſent at the office, or only the ſkins that were taken from the ſhip Uretta?—*A.* I underſtood it was the ſkins taken from that ſhip.

Q. The other ſkins were ſkins taken from a gentleman in the Borough, and with which ſome other perſon was charged?—*A.* Yes.

Groſs-examined by Mr. Knapp. Q. Did not you underſtand the Uretta to be lying on the Surry ſide of the water?—*A.* Yes.

Q. Was the priſoner ſworn to give evidence againſt any body elſe?—*A.* No.

Mr.

Mr. Knowlys. (To Mr. Rowe.) Q. You attended as a witneſs againſt the priſoner before the Magiſtrate?—*A.* Yes.

Q. What ſkins might he be charged with ſtealing, before the Magiſtrate?—*A.* Beaver and otter ſkins.

Q. Was he charged with ſtealing ſkins from the Uretta?—*A.* Yes, he was.

Q. Be ſo good as look at thoſe ſkins?—*A.* Theſe are new beaver ſkins.

Q. Could they have been in the market that year?—*A.* I do not think they could, for they are exactly in the folds in which they came to us from abroad.

Q. Were the bales of beaver that you received deficient?—*A.* Yes; we diſcovered, I believe, ſixty or ſeventy ſkins, but there might be more, becauſe I believe all our packages are not unpacked yet, but as far as I have examined the packages, there are ſixty-ſeven beaver ſkins miſſing; they are worth about ten ſhillings a ſkin.

Croſs-examined by Mr. Alley. Q. How do you know there were ſo many miſſing?—*A.* By comparing the invoice with the quantity that I entered.

Q. Where is the invoice?—*A. (Produces it.)* It is a conſignment to the merchants here.

Q. You do not know the hand-writing?—*A.* No.

Q. Then it may or may not be a conſignment from abroad for any thing you know?—*A.* I have no doubt of it.

Q. Do not you know that invoices are very frequently incorrect?—*A.* Yes.

Q. Do not you recollect when the priſoner was examined at the Police-office, that although he received frequent admonitions not to make a confeſſion, yet the moment the confeſſion was written, he ſigned it, without it being ever read to him?—*A.* No; I do not recollect that.

Q. When the priſoner was examined, were there any one of thoſe ſkins there?—*A.* No.

Q. Therefore he could make no confeſſion of theſe ſkins?—*A.* Certainly they were not there.

Mr. Knowlys. Q. Is that the invoice by which the goods are entered?—*A.* Yes; and the invoice by which we have paid the duties.

Q. Was the priſoner charged with ſtealing any other ſkins than what were ſaid to come from the ſhip Uretta?—*A.* No others.

Q. I believe there are ſuch ſkins as theſe about the town?—*A.* Not in that ſtate; there are certainly ſuch ſkins about the town, but there were none came this year but that ſhip; the whole of laſt year's came into our poſſeſſion alſo.

Q. Do not you know it is too much the caſe that goods of this ſort are ſmuggled?—*A.* I have heard of ſuch a thing.

Mr. Knowlys. Q. They never go out of your poſſeſſion in that ſtate?—*A.* No.

Court. (To Saville.) Q. Are you ſervant to Mr. Waldock?—*A.* Yes.

Q. Theſe were brought by Redmaine's porter?—*A.* Yes; and Redmaine came the next day to agree for ſome other ſkins for one Mr. Fell; ſome of theſe beaver and otter ſkins were lying there, and he ſaid they were remarkable fine ſkins.

Priſoner's defence. I found them in an empty lighter.

JOHN HAGARTY *ſworn.—Examined by Mr. Knapp.* I was on board the Uretta; I worked her out entirely in January, into different lighters.

Q. When you had worked her out into different lighters, did you go on board the lighters?—*A.* I did lend a hand to bring up ſome.

Q. Was the priſoner with you?—*A.* He never was, except the two laſt lighters that we brought up together.

Q. Did you go with him from the ſhip Uretta?—*A.* Yes, up to the quay.

Q. Did you ſee him, during the time you were with him, untie or cut any of theſe bales of ſkins?—*A.* It is a thing impoſſible, without my ſeeing it or the other watchman.

Q. How many perſons were there in the craft?—*A.* There was Iſrael Caſe, the lighterman, and two officers and a watchman beſides, Harley was one of them, Paradiſe was the officer; they were all on board.

Q. If he had cut theſe ſkins muſt not you have ſeen him do it?—*A.* Every one of us muſt have ſeen him.

Q. Was the priſoner at the bar on board any other lighter?—*A.* Yes; he was on board the Surry lighters in the afternoon, and then he and I were both in the laſt two craft; the priſoner never took away a craft without a watchman, and an officer, in her, and that was always in the afternoon; we came to Porter's-quay with the craft, and then we delivered it up to the watchman.

Q. What became of you after you had moored your craft?—*A.* We went about our buſineſs, I ſuppoſe.

Q. Did you leave Fenton behind you?—*A.* No.

Q. Did Fenton go away with you?—*A.* He lives on the Surry ſide of the water, and Saville on the London ſide.

Q. Was there any other ſhip along-ſide the Uretta?—*A.* Yes.

Q. What was that ſhip loaded with?—*A.* She was delivering oil.

Q. Had ſhe any ſkins on board?—*A.* I cannot pretend to ſay.

Croſs-examined by Mr. Knowlys. Q. No other perſons, but Briant's men, were employed to unload the ſhip, and bring her up?—*A.* No.

Q. Then, till you got to the Quay, every thing was ſafe?—*A.* Yes.

Q. Some-

Q. Sometimes he came without you?—*A.* I was forced to ſtay to work the ſhip out.

Q. Therefore he went without you ſometimes?—*A.* No doubt of it.

Q. Where he was after you left the craft at the quay you cannot tell?—*A.* No.

Q. Whether he came back to the craft again you do not know?—*A.* No.

Q. When you left your lighter at Porter's-quay, were there not tarpaulins over it?—*A.* Yes.

Court. Q. How many lighters did this man work?—*A.* Different lighters; I cannot ſay how many, I did not make a minute of it.

Q. But you then went on ſhore with him?—*A.* Yes.

Q. You did not ſee him do any thing then?—*A.* No.

Q. You were watching him all the time?—*A.* Yes; I was working the ſhip.

Q. You ſuſpected him then, or how came you to watch him?—*A.* It was impoſſible for him to come up and do it.

Q. Were you both in the ſame lighter?—*A.* Yes.

Q. Who worked the other lighter?—*A.* Caſe did; both the lighters were laſhed along-ſide of one another.

Q. Did any body come on board to help you?—*A.* There were three of us.

Q. Did any body elſe come on board to help you?—*A.* No, nobody elſe.

Q. Then it is not true that any body came on board half way to help you?—*A.* Nobody at all came on board.

Q. How many more lighters did he work up?—*A.* He might work as many as two, or three, or four, I cannot ſay.

Q. But you never went on ſhore with him but once?—*A.* I never went on ſhore with him only with the two laſt craft.

Q. What day was it?—*A.* I did not make a minute of it.

Q. How many days did it laſt?—*A.* I cannot ſay.

ISRAEL CASE *ſworn.—Examined by Mr. Alley.* I was employed in working up ſome lighters from the Uretta, in the month of January; there were Mr. Hagarty, myſelf, and Fenton, two officers, and the watchman, in the lighters with me.

Q. Did you accompany the priſoner all the way up to the Cuſtom-houſe?—*A.* Yes; there were two lighters, one laſhed along-ſide the other.

Q. Were either the priſoner or you out of one or other of the lighters all that time?—*A.* Occaſionally, ſometimes in one and ſometimes in the other.

Q. They were covered with tarpaulins?—*A.* Yes.

Q. Did you obſerve the priſoner attempt untying the bales, and tying them up again,—was it poſſible for him to have done it without your obſerving it?—*A.* It was not.

Q. Upon you arrival at Porter's-quay who are the perſons that generally unload the lighters?—*A.* ticket-porters.

Q. Suppoſe there are not a ſufficient number of ticket-porters, what do they do then?—*A.* They employ any worthy men.

Court. Q. Did you ever in your life know that happen, that there were not ticket-porters enough?—*A.* Yes, many times.

Q. Not ticket-porters enough upon the quay to do the labour?—*A.* Many times.

Q. It is a common thing, is it?—*A.* It is a common thing.

Q. Did you never complain to the City of London, that they do not furniſh porters enough?—*A.* It is nothing at all to the journeyman lighterman; I am ſervant to Mr. Briant, my maſter is the man that tranſacts the buſineſs.

Q. How many lighters did he bring from that ſhip?—*A.* I cannot ſay.

RICHARD PARADISE *ſworn.*—I am an extra-tideſman: In the beginning of January, about the 3d or 4th, we began working the Uretta out.

Q. How long did it laſt?—*A.* About nine days, I think.

Q. Were you there during the whole time the ſhip Uretta was unloading?—*A.* I was.

Q. Where did ſhe lay at that time?—*A.* Near Rotherhithe church.

Q. Did you go with the priſoner at the bar, and Caſe and Hagarty, with any craft to Porter's-quay?—*A.* I did.

Q. How many craft?—*A.* I cannot ſay.

Q. Did you go with all the craft?—*A.* No; I might go with ſix or ſeven.

Q. Did the priſoner go with all this craft?—*A.* No, he did not.

Q. Did you go with this craft that the priſoner did go with?—*A.* No; I went with him twice or three times; I went with him in the firſt.

Q. The Uretta, we have heard, was laden with ſkins?—*A.* Yes.

Q. The craft, of courſe, contained theſe ſkins that were taken from the ſhip Uretta, and taken away to Porter's-quay?—*A.* Yes.

Q. How were they ſecured in the lighters?—*A.* Some were cloſe, and ſome were not.

Q. How many times do you think the priſoner at the bar might go from the Uretta to Porter's-quay, without your being preſent?—*A.* Very few, indeed; I went moſt with Caſe, and the man with one arm.

Q. Did you, at any time, obſerve any loſs of ſkins from the lighter?—*A.* I did not.

Q. If

Q. If he had been untying, or cutting them, and tying them again, muſt you have obſerved it?—*A.* I muſt.

Q. Did you obſerve it?—*A.* I did not.

Q. When you come to Porter's-quay, it becomes your duty to deliver them up, and put them in the charge of a watchman?—*A.* Yes.

Q. And, of courſe, you did remain there till the watchman had charge of this lighter?—*A.* Yes.

Q. We have heard about ticket-porters?—*A.* Yes.

Q. The ticket-porter's buſineſs is to aſſiſt in unloading the veſſels?—*A.* I do not know much of the buſineſs.

Q. Do you know, in point of fact, that from negligence of the ticket-porters other people are engaged, beſides the ticket-porters?—*A.* Yes, many people; the guards, and others.

Mr. Knowlys. Q. The priſoner made ſome trips when you were not with him?—*A.* Yes.

Mr. Knapp. Q. Did he ever go by himſelf?—*A.* No.

Court. Q. Was your ſtation on board the ſhip?—*A.* Yes.

Q. Then your buſineſs was to remain on board the ſhip?—*A.* Yes.

Q. How many lighters were employed to unload this ſhip?—*A.* We never had but two at a time.

Q. Did every lighter that went from the ſhip to the ſhore take a watchman and an officer?—*A.* Yes, they always did.

Q. Will you ſwear they never went from the ſhip to the ſhore without a tideſman and a watchman?—*A.* I cannot ſwear there was a watchman every time.

Q. Will you ſwear there was a tideſman every time?—*A.* Yes; the ſhip book-keeper's name was Edward Williams, he was there to ſee the unloading.

Q. Did he take down the name of every man, and every officer, that went on ſhore with the lighters?—*A.* Yes.

Mr. Knapp. We have ſubpœnaed Williams but cannot find him.

DAVID HARLEY *ſworn.—Examined by Mr. Alley.* I am ſhip-keeper on board the Uretta.

Q. Do you remember what time it was?—*A.* The beginning of January, to the beſt of my knowledge; I do not recollect the time.

Q. Were you attending on board the ſhip all the time ſhe was unloading?—*A.* Yes.

Q. Do you remember the priſoner going on board the ſhip, with lighters?—*A.* Yes.

Q. How often?—*A.* Twice, I think.

Q. Do you know that he went oftener than twice?—*A.* I cannot ſay.

Q. Is it uſual to ſend an officer with the lighters to take care of the goods?—*A.* An officer always went with me in the lighter.

Q. Do you recollect coming up from the ſhip in the lighter along with the priſoner?—*A.* Yes, twice up.

Q. Each of theſe times, were the different articles on board covered with tarpaulins?—*A.* Yes.

Q. Was it poſſible for the priſoner to have robbed theſe barges without your knowledge?—*A.* I think it was impoſſible.

Q. Do not you think you muſt have obſerved him, if he had robbed them?—*A.* Yes.

Q. When the priſoner arrived in London, having delivered his cargo, he went on ſhore?—*A.* I cannot ſay.

Court. Q. Nobody came on board as you were going on ſhore—you had hands enough to navigate your lighter without aſſiſtance?—*A.* There is always a lighterman to get the craft up.

Q. How many days were you at work there?—*A.* All the time the ſhip was being diſcharged, I ſuppoſe about a week, or it might be more.

ISAAC BRADSHAW *ſworn.—Examined by Mr. Knapp.* I watch for Mr. Briant, upon the lighters.

Q. Do you remember the time of the unloading the ſhip Uretta?—*A.* I do not know any thing at all about the ſhip.

Q. Do you remember the lighters coming up?—*A.* I was not there at the time of the lighters being brought up.

JAMES BAKER *ſworn.—Examined by Mr. Knapp.*—I am a watchman employed by a lighterman at Porter's-quay.

Q. Do you remember the time of the Uretta being diſcharged?—*A.* No.

Q. Do you know the priſoner?—*A.* Yes.

Q. Do you know of his being employed to bring the lighters to Porter's-quay?—*A.* Yes.

Q. Do you remember having any ſkins given you in charge to take care of on board the lighters?—*A.* Yes; Bradſhaw was with me, one watched the head, and the other the ſtern.

Q. If there had been any ſkins untied or broke, or taken away, ſhould you have obſerved the vacancy it would have occaſioned?—*A.* No; I do not ſee how we could ſee that.

Q. Was there a tarpaulin over the property?—*A.* Yes.

Q. The moment that they were delivered over to you, they remained perfectly ſafe, of courſe?—*A.* Yes.

Q. The priſoner never came on board the lighter after the things were delivered to you to watch?—*A.* No.

Q. If any harm had taken place on board the lighter after that time, either you or Bradſhaw muſt have known it?—*A.* Yes.

Q. Nothing of that ſort did take place?—*A.* No.

The

The priſoner called five other witneſſes, who had known him from fifteen to twenty years, and who all gave him a good character.

NOT GUILTY.

Tried by the London Jury, before
Mr. COMMON SERJEANT.

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228. JOHN DISNEY was indicted for that he knowing one Henry Foreman had committed a felony, did feloniouſly receive, harbour and maintain the ſaid Henry, againſt the form of the ſtatute, &c.

Court. Gentlemen of the Jury, This indictment is ſo completely bad, that you muſt acquit the priſoner; he is charged with harbouring a man who has committed a felony; the indictment ought to have charged what that felony was; it ſtates that he has committed a felony without ſtating what that felony is.

NOT GUILTY.

Tried by the third Middleſex Jury, before
Mr. RECORDER.

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229. JOHN FOLLET was indicted for feloniouſly ſtealing, on the 16th of November, nine ſheets of ſtamped paper, value 18s. and a Bank-note, value 10l. the property of Thomas Phillipſon and Thomas Lamb.

THOMAS PHILLIPSON *ſworn.*—I am an attorney at law, in partnerſhip with Mr. Thomas Lamb: The priſoner was a clerk in our ſervice, he had been in our ſervice about four days; he came into our ſervice about the 13th or 14th of November laſt; on or about the 16th or 17th of the ſame month, he came to me in Ely-place, he told me he wanted ſome ſilver for the buſineſs of that evening; I told him I had not any, but having a good opinion of him, I gave him a 10l. note for the buſineſs he ſaid he wanted it for that evening; on the following morning he did not come to buſineſs as uſual, I myſelf applied at his lodgings to know the reaſon why he did not come, I ſaw his landlord, who told me he had not been home all that night; finding he did not come, having occaſion for ſome ſtamps, I looked into our office to ſee for them, and I miſſed the two-ſhilling ſtamps; I made frequent applications afterwards to his lodgings, but could not find him; about the 10th of January, he was taken by an officer before the Magiſtrate, who committed him for further examination; I aſked him the reaſon why he did not return me the 10l. note.

Q. Did you make him any promiſe of favour?—*A.* None in the world.

Q. Or any threat?—*A.* None in the world; I aſked him how he came to take the ſtamps; he acknowledged having the Bank-note, and he acknowledged taking the ſtamps, but ſaid he had loſt them altogether.

Croſs-examined by Mr. Balmanno. *Q.* In what ſtate were thoſe ſtamps, had they been uſed?—*A.* Not to my knowledge; they were only bought the day before.

Q. They were not found?—*A.* He acknowledged having had them.

Q. Did you ſearch at the Stamp-office if they had been allowed?—*A.* No.

Q. Is it not uſual for attorneys' clerks to get money for the purpoſes of buſineſs?—*A.* Yes; he aſked me for ſome ſilver, I think it was to get a rule; I am ſure there was nothing wanted that evening that could exceed twelve ſhillings; I believe, the whole that he had to do, was only four ſhillings and ſixpence.

Q. Was that buſineſs done?—*A.* I believe it was.

Court. If you give a clerk a Bank-note for the purpoſe of doing buſineſs for you, and he takes the remainder of it for his own uſe, that is not ſtealing a Bank-note, certainly.

Q. Is it not frequently the caſe that attorneys' clerks take out ſtamps for the purpoſe of doing buſineſs?—*A.* Not in our office.

Q. But is it not very frequently done?—*A.* I cannot ſay what is done in other offices.

THOMAS LAMB *ſworn.*—I am partner with Mr. Phillipſon; I know no more of it than he does.

Mr. Balmanno. *Q.* What character had you with the priſoner?—*A.* A very good one.

Q. Were you preſent at this confeſſion that we have heard of?—*A.* Yes; he ſaid he had taken the ſtamps, and loſt them with the Bank-note.

Q. You did not underſtand from that acknowledgment, that he meant to take this Bank-note and the ſtamps?—*A.* Yes, I did: I myſelf gave him the order to take out the rule, it was a rule for judgment.

Priſoner's defence. I left the employ of theſe gentlemen on the Friday evening, and the ſtamps might be in the office then, for any thing I know; theſe ſtamps I abſolutely engroſſed myſelf, and left them in the office.

NOT GUILTY.

Tried by the third Middleſex Jury, before
Mr. RECORDER.

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230. EDWARD CRECE was indicted for feloniouſly ſtealing, on the 20th of January, an umbrella, value 5s. the property of Thomas Donahoo.

THOMAS DONAHOO *ſworn.*—I am an umbrella-maker, near St. Giles's church: On Saturday night, the 20th of January laſt, about half paſt eight o'clock, I loſt an umbrella that was hung up in the ſhop; I ſaw the priſoner come up to the door

door with another man, the other man came in under pretence of buying ſome goods; I ſaw the priſoner go off with an umbrella that hung near the door; he ran away, and I followed him, I got hold of him by the collar, he had juſt got clear of the houſe, I never loſt ſight of him, he came back with me, with the ſame umbrella in his hand; I ſent for a watchman, and he was taken to the watch-houſe till Monday morning, and then he was committed; the umbrella was ſent to the watch-houſe with my mark upon it, I ſent it by the watchman.

Croſs-examined by Mr. Alley. Q. That poor fellow is one of the Tower-Hamlets Militia?—*A.* I do not know.

Q. One man came into your ſhop under pretence of buying?—*A.* Yes.

Q. Do you mean to ſwear, that he only came in under pretence?—*A.* Yes.

Q. You never ſaw the priſoner till you caught hold of him by the collar, with the umbrella in his hand?—*A.* Yes, I ſaw him come up to the door with the other man.

Q. Upon your oath, did you ever ſee them ſpeak one to the other?—*A.* I cannot ſwear to that.

Q. What did you mean by ſwearing that they came together then, if you did not ſee them ſpeak to each other?—*A.* They came together.

Q. There is generally a croud about that time on a Saturday evening?—*A.* Yes, no doubt of it.

Q. What did the other man come in for?—*A.* A ſixpenny ſtick.

Q. When you came back with the priſoner, was the other man in the ſhop?—*A.* Yes.

Q. If you thought them both connected, why did not you take them both into cuſtody?—*A.* I did, and he was diſcharged.

Q. You have been unlucky enough, the day after this offence was committed, to ſay a great number of other umbrellas were ſtolen from you?—*A.* Yes.

Q. Had you unfortunately, the next day, an execution in your houſe?—*A.* Yes.

Q. Do you know the priſoner's mother?—*A.* I have ſeen her.

Q. Upon your oath, did you not aſk her to give you a guinea, and if ſhe gave you a guinea, you would not appear before the Magiſtrate?—*A.* I will not anſwer that queſtion.

Court. Q. You are bound to anſwer that queſtion, did you or not?—*A.* I did not.

Q. Had you any converſation with her?—*A.* Yes, a few words.

Q. Upon your oath, did you not tell her, that if ſhe gave you a guinea, you would not appear againſt him?—*A.* I did not.

Q. You will ſwear that?—*A.* Yes.

Q. Did you not accuſe ſome other perſon, the next day, of ſtealing umbrellas?—*A.* Yes.

Q. How many?—*A.* A dozen or fourteen; but it was not the next day, it was on Monday night, when the priſoner was committed.

Q. That was the night before the execution?—*A.* Yes; there was a diſtreſs made, and my property was taken away out of the houſe.

Q. Did you not go out of the way yourſelf the next day?—*A.* No.

Q. Did you not repreſent to the priſoner's mother, that you were in great diſtreſs, and if ſhe would give you a guinea, you would make it up?—*A.* I told the priſoner's mother ſo the ſame night that he was committed; a man who was at the Public-office, in Marlborough-ſtreet, begged me to go and ſee him, and I would not; a day or two after, the mother came to me to beg mercy, I told her it was out of my power; what I ſaid, was the conſequence of your ſon's taking my property, it has brought down the devil's luck with it, for I am in trouble, and have loſt all my property.

Q. Did you not ſay, that if ſhe would give you a guinea, you would not appear againſt him?—*A.* I did not.

Q. Did not the priſoner ſay, when you took hold of him at your ſhop door, I was going to aſk the price of it, and was only looking at it?—*A.* He ſaid nothing, but trembled.

Q. Did he not tell you, he only took it down to look at, to ſee if it was ſuch an one as he wanted?—*A.* No.

Q. Was he not going towards your ſhop door?—*A.* No, the contrary way.

Q. Was he not ſearched, and a twenty-ſhilling note, and ſeveral ſhillings found upon him?—*A.* Not to my knowledge.

Q. Were you preſent when the ſearch was made?—*A.* Yes.

—— KELLY *ſworn.*—I am a watchman: I was upon duty that night; I heard a noiſe, and hurried myſelf to the noiſe as faſt as I could; I got to the door, and got charge of this man; I took him to the watch-houſe; he was juſt by the threſhold of the door, there was another man in the ſhop, I did not ſee any umbrella on the man, I believe they had taken it from him; another man took the other man.

VALENTINE ROMLEY *ſworn.*—I am a watch-houſe keeper: I ſearched the priſoner, and the umbrella came into my hands to take care of, *(produces it)*; he had no money about him, to the beſt of my knowledge; I received the umbrella from the proſecutor himſelf.

Q. Had the other man any money?—*A.* I think not, but I cannot be poſitive.

Croſs-examined by Mr. Alley. Q. How did you ſearch

ſearch the priſoner?—*A.* I ſearched him thoroughly.

Q. Did you ſearch his fob?—*A.* I do not know that I did, I dare ſay that I did, but I cannot ſwear it. *(The umbrella was depoſed to by the proſecutor.)*

Priſoner. I leave my defence to my witneſſes.

For the Priſoner.

THOMAS TOWNSEND *ſworn.*—I belong to the Tower-Hamlets Militia: the priſoner had enliſted on the Thurſday before, and received his bounty-money, which is five pounds; I have known him twelve years, he is a very honeſt man.

SUSANNAH CRESE *ſworn.—Examined by Mr. Alley.* I am the mother of the priſoner: I went to the proſecutor's houſe on the Tueſday evening after my ſon was taken up; he ſeemed quite ſevere upon it, and made a great many proteſtations, that he had been robbed the over-night of eleven umbrellas, and the man he had got, he would make anſwer for the whole; I begged him to be merciful, he ſaid nobody had been to defend him, if he got a guinea, and was paid for his trouble, he would not appear againſt him; I ſaid, if that had been all, I would have been glad to have given two, not to have brought him into this trouble.

Q. Upon the ſolemn oath you have taken, the proſecutor made uſe of the expreſſions you have now ſtated?—*A.* He did.

Q. (To Donahoo.) You have heard what this woman has ſworn, is it true or falſe?—*A.* It is quite falſe.

GUILTY (Aged 26.)

Confined one month in Newgate, and delivered to his officer.

Tried by the third Middleſex Jury, before Mr. RECORDER.

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231. WILLIAM HITCHIN and ELIZABETH his wife, were indicted for feloniouſly ſtealing, on the 6th of February, a gold ring, value 10s. the property of Anthony-George Eckhardt.

Second Count. For feloniouſly ſtealing, on the 8th of February, three muſlin cravats, value 3s. a linen ſhirt, value 3s. three muſlin handkerchiefs, value 2s. a yard and a half of ſilk, value 2s. and a ſilk net purſe, value 6d. the property of the ſaid Anthony; a feather pillow, value 4d. a linen ſheet, value 4s. two linen pillow-caſes, value 1s. a pair of ſilk ſtockings, value 2s. a pair of cotton ſtockings, value 6d. a Dutch damaſk table-cloth, value 1s. 6d. a child's pin-afore, value 2d. four Dutch damaſk napkins, value 4s. and a pocket-handkerchief, value 4d. the property of Francis-Frederick Eckhardt.

Third Count. For feloniouſly ſtealing, on the 10th of February, a yard of cambric, value 5s. the property of the ſaid Anthony-George Eckhardt.

(The caſe was opened by Mr. Knapp.)

ANTHONY-GEORGE ECKHARDT *ſworn.—Examined by Mr. Knapp.* *Q.* In order to ſave the time and trouble of the Court, be kind enough to confine yourſelf to the wearing-apparel, excluſive of the ring and the piece of cambric?—*A.* Yes.

Q. In what ſituation was the man priſoner?—*A.* He was my valet, to dreſs my hair, and mind the houſe; the woman priſoner was there with her huſband, to take care of the houſe, and to waſh my linen.

Q. What did you give them?—*A.* Sixteen ſhillings to keep the houſe, and four ſhillings for dreſſing my hair, per week; I loſt the things ſtated in the indictment; upon miſſing them, I went to Bow-ſtreet, on Saturday night, the 10th of this month, I obtained a warrant, and ſaw the things found in my houſe.

Q. Where do you live?—*A.* At Knightſbridge, but I ſlept at my ſiſter-in-law's, at Brompton.

Court. *Q.* What are you?—*A.* In the mechanical line; I am a member of the Royal Society in Holland.

Q. Where were the things found?—*A.* Two handkerchiefs in the bureau below ſtairs, belonging to the priſoner, and part up ſtairs in the priſoner's bed-room.

Court. *Q.* Did the bureau belong to them both?—*A.* I believe ſo, they are married; a pair of ſilk ſtockings was found in the bureau below, my ſiſter was preſent when they were found.

Q. In conſequence of that, they were committed for trial?—*A.* Yes.

Court. *Q.* Had you miſſed any other property, ſince they lived with you, at any time?—*A.* I have miſſed ſeveral things, but do not know how they went.

Croſs-examined by Mr. Knowlys. *Q.* How long has this woman been entruſted with the care of your linen to waſh?—*A.* It is about a year that they have lived with me in that houſe.

Q. How often, when you had not a ſhirt to your own back, has ſhe kindly lent you her huſband's?—*A.* No, ſhe never did lend me a ſhirt.

Q. That you ſwear poſitively?—*A.* Yes.

Q. Upon your oath, will you ſwear that you miſſed theſe things?—*A.* Yes.

Q. Mind what you ſay, did you ever enquire for them?—*A.* I enquired for the Bank-notes.

Q. Do not talk about notes, I ſhall ſhew you ſome of your own notes by-and-by that have not been paid—had you ever enquired for theſe things?—*A.* Out of delicacy, for fear they ſhould think that I thought them thieves, I had not enquired for them.

Q. Look at that note, that has not been paid, due at Lockhart's?—*A.* That is not my note, it is my brother's.

Q. Your

Q. Your brother and you were partners, were not you?—*A.* Yes, formerly.

Q. Were not you at the time this note is dated?—*A.* No.

Q. It is dated the 27th of May, 1797?—*A.* I do not recollect exactly; I had the misfortune to to have my affairs given over to my creditors, and ſince that, my brother and I have not been partners; I cannot recollect whether it was before or after my misfortune.

Q. You can ſay, whether it was before or after your bankruptcy?—*A.* No, I cannot ſay.

Q. Upon your oath, did not you pay that to the priſoner, in ſatisfaction of ten pounds due from you to him?—*A.* Upon my oath, I not only did not give that note, but it is after my misfortune I recollect, and it is my brother's.

Q. Did you pay that to the priſoner?—*A.* No.

Q. You never borrowed ten pounds of the priſoner?—*A.* No.

Q. Nor any ſum of money?—*A.* No.

Q. Take care, are you ſure of that?—*A.* I did not.

Q. This happened on the Saturday night that you took theſe people up, by a warrant?—*A.* Sunday.

Q. You did not expect to be arreſted, on the Monday, for fifty-one pounds?—*A.* No, not at all; I did not owe it.

Q. You did not expect to be arreſted at the ſuit of the priſoner on the Monday following the Sunday?—*A.* No, I did not; they could arreſt me, but I did not owe them that money.

Q. Upon your oath, had they not threatened you before you took them up by the warrant?—*A.* They had threatened, but I did not care a fig for it.

Q. For how much?—*A.* For a falſe bill of fifty-one pounds.

Q. And ſo you took them up by a warrant on the Sunday?—*A.* Not to prevent that, I aſſure you.

Q. But you did take them up the very day before?—*A.* Yes.

Q. Then you did not place theſe things, that were found in their trunk, in the hands of the woman yourſelf?—*A.* No, never.

Q. Upon your oath, had ſhe not them to waſh for you?—*A.* Several months before ſhe waſhed for me; and as I miſſed my linen, and ſhe happened to be ill, I told her not to waſh any more for me, becauſe ſhe was ill; out of courteſy I would not tell her I thought her a thief.

Q. A little before this there was a little diſpute about a ſtill, that they were afraid would ſet the houſe on fire?—*A.* Yes.

Q. They told you they would not live in the houſe for fear of fire, from this private ſtill?—*A.* I heard that they objected to it, but they did not do ſo to me.

Q. I believe this houſe was a good deal furniſhed with theſe people's own furniture?—*A.* The kitchen and the front room, and ſix chairs beſides.

Q. Had not the woman priſoner the entire care of your linen?—*A.* No, ſhe never had; for I kept it locked up.

Q. I aſk you, and I tell you now, there are ſeveral people who heard you ſay ſo—I am going to aſk you, upon your oath, have you never ſaid, that you would not have taken theſe people up, but they were going to arreſt you?—*A.* I never did; I ſaid, that they had acted ſo bad, and provoked me ſo often, that they obliged me to be ſevere with them.

Q. Have you never ſaid, and I tell you there are people who have heard you—have you never ſaid, that you would not have taken theſe people up but they threatened to arreſt you?—*A.* No.

Q. You never have ſaid ſo?—*A.* No.

Q. Nor any thing like that?—*A.* I ſaid, if they had not provoked me ſo long, that I would certainly have let them have gone perfectly content.

Q. Then you never ſaid, that you would not have taken them up if they had not threatened to arreſt you?—*A.* No, I never did.

Q. Did you not tell Rivet, the officer, that you had given theſe things into the woman's poſſeſſion?—*A.* I never did.

Q. Did not he then aſk you, if you had ever demanded the property?—*A.* I do not recollect that he did aſk me that queſtion.

Q. It happened only laſt Sunday ſe'nnight—did not he aſk you, whether you ever aſked the woman for the things?—*A.* I cannot recollect poſitively.

Q. Upon your oath, did not the officer ſay, then how could you charge the priſoner with robbing you?—*A.* I cannot recollect that, poſitively, upon my oath.

Q. Though it paſſed only laſt Sunday ſe'nnight?—*A.* I cannot recollect, upon my oath.

Q. He might have ſaid ſo, and you forgot it?—*A.* I cannot ſay.

Q. Now, I aſk you—did not the two priſoners at the bar demand of you fifty-one pounds, upon the very Saturday that you went to apply for a warrant?—*A.* They did not; but when my Solicitor aſked them if they had any further demand, when I cloſed my bill, they ſaid they had a demand of fifty-one pounds; I ſaid it was a falſe demand, and they had no right to it.

Q. Upon your oath, did you not offer to give a note of hand for thirteen pounds, for money due to him, if he would give you a receipt in full?—*A.* I ſhall, upon that, candidly tell you the truth; I ſaw things going all wrong, and I thought beſt to get rid of them in a quiet way without expoſing them too much; I had a law-ſuit on account of property

loſt

loſt from where I lived, which amounted to three pounds, or three guineas, and I had a note of my brother's for ten pounds, I thought beſt to get rid of them, and I ſaid, I will give you that, I have no objection; and as this was my own brother, I would do any thing to ſerve him; I ſhould be very glad to give them that, and if you like it I will give you a note of hand for thirteen pounds, in order not to expoſe them to the public, and to do them a favour; but I know very well that I have a right to arreſt them, and expoſe them, which I have done now.

Q. Then you did offer to give him a note, at two months, for thirteen pounds?—*A.* A month, or two months; during my travels in Scotland, a man took a piece of wood from my premiſes, and charged the priſoner at the bar with ſtealing it from him, and the man was obliged to proſecute him to clear himſelf from having not ſtole it.

Q. So you offered him your note for thirteen pounds to ſettle all diſputes?—*A.* Yes; which I did not owe him.

Q. Upon your oath, have you not ſaid, that if it had not been for the kindneſs of the priſoners in aſſiſting you, you would not have had a bed to lie upon?—*A.* It is a great lie as can be told.

Q. Do you know that gentleman there, Mr. Jarvis?—*A.* Yes.

Q. Perhaps he will tell that lie?—*A.* It is completely falſe.

Q. Have you not often given them articles of wearing apparel to pledge for you in time of diſtreſs?—*A.* Not often, I ſuppoſe, it has been done four or five times.

Q. Will you ſwear it has not been done forty times; and remember Mr. Shannon is here?—*A.* I will ſwear it was not twenty times, nor ten times.

Q. That you ſwear poſitively?—*A.* Yes.

Q. Do you know Mr. Thomas?—*A.* Yes.

Q. Do you know the priſoner's ſiſter?—*A.* Yes.

Q. You have applied to borrow money of her, have not you?—*A.* I never made any propoſal to her.

Q. But to him, to borrow of her for you?—*A.* That, perhaps, has happened.

Q. Upon your oath, do not you know that you made ſuch a requeſt to the priſoner, to borrow money of his ſiſter for you for your ſiſter?—*A.* I recollect ſomething of it, I cannot ſay poſitively.

Q. What ſum was it?—*A.* It might be ſomething of ten pounds.

Q. How long ago is that?—*A.* Four or five months ago.

Q. Upon your oath, have not you repeatedly borrowed money from the priſoner himſelf from time to time?—*A.* Never.

Q. Upon your oath, have you never ſaid you would not have carried on this proſecution unleſs you had been perſuaded to it; and if any harm came from it you would never forgive yourſelf?—*A.* No; I only ſaid I would not have been ſevere upon them, but as they were ſo provoking, and uſed me ſo bad.

Q. So provoking, for what—becauſe they threatened to arreſt you?—*A.* For four weeks they had been provoking.

Q. They had been complaining for four weeks about this private ſtill?—*A.* It was not a private ſtill.

Q. You never ſaid you would not have arreſted them if they had not been ſo provoking as to threaten to arreſt you?—*A.* No; I ſaid they were ſo provoking, and even ſpoke of arreſting me, but he had no right, for I did not owe him a halfpenny.

Q. And if they had not been provoking you would not have proſecuted them?—*A.* No.

Q. You have given them things to pawn for you?—*A.* Sometimes I have; and I ſay there is no harm in pawning if you want to make up a bill; I gave theſe things into their poſſeſſion to take care of; I dreſſed myſelf always at my ſiſter's houſe, and my linen was there.

Q. And was not your linen waſhed there?—*A.* Yes.

Q. Have you not often been indulged, now, with a cravat, or a neckcloth, of her huſband's—have you not been often indulged with wearing the priſoner's linen?—*A.* Only twice; and that only a handkerchief.

Q. They are the ſame things you have charged theſe people with ſtealing?—*A.* The ſame ſort of things.

Mr. Knapp. Q. How long has the woman priſoner been diſcontinued from waſhing for you?—*A.* I ſuppoſe ſhe has not waſhed for me for five or ſix months.

Q. The things you have miſſed has been ſince the time that ſhe ceaſed to waſh for you?—*A.* I can only ſay I miſſed, from time to time, things without knowing how.

Q. You put on your clothes at your ſiſter's?—*A.* Commonly; I ſometimes put on a ſhirt, and may leave it at my own houſe.

Q. Thoſe things that you left there, did you keep always locked up in your own preſs?—*A.* Yes; I took particular care of it.

Q. Was there any pretence in the priſoners at the bar for calling upon you for a debt of fifty-one pounds?—*A.* When I paid the priſoners, I paid them twenty-three pounds.

Q. I aſk you, at the time they threatened you with an action for fifty-one pounds, was there any truth in that demand?—*A.* No truth at all.

Q. How long a time do you ſuppoſe you had been miſſing this property?—*A.* I perceived that amongſt

amongſt my handkerchiefs and ſhirts that I found they diminiſhed, for the courſe of ſix or eight months.

Q. How ſoon did you begin to ſuſpect the priſoners were concerned in the taking of theſe things? —*A.* At the time ſhe began to be ill, about ſix months ago.

Q. Did you wiſh, or had you any inclination to proſecute, till you could find you had no peace in your houſe?—*A.* Certainly.

Q. When was it that they threatened you with this action that you ſay is falſe?—*A.* The Saturday before the Sunday that I took out the warrant.

Q. Was it not from the provocation that they made in the houſe, that you were induced to proſecute?—*A.* Yes.

Court. *Q.* How came you to ſay they never lent you any money, when you ſay you had paid them twenty-three pounds?—*A.* That was the amount of wages and the day-book.

Court. *Q.* Had any of theſe articles that you now miſs been miſſing during the laſt ſix months? —*A.* Some of them muſt have been ſtolen ſince that time, becauſe one was a new handkerchief that I bought not long ago.

Q. You paid her for waſhing your linen independent of what ſhe had as a ſervant?—*A.* Yes.

Q. What elſe has there been miſſing?—*A.* The linen of my ſiſter and the linen of my brother.

Q. That paſſed within the laſt ſix months?—*A.* I cannot ſay, it was a good while ago.

Q. Is there any other article of your own that you can ſwear to have miſſed within theſe laſt ſix months?—*A.* I cannot ſay.

Q. Do not you believe that all theſe articles were ſtolen before the time that ſhe ceaſed to waſh for you?—*A.* I cannot ſpeak to any of them with certainty ſince.

Court. Theſe being all the articles of linen that ſhe had to waſh, and being paid ſeparately for that, I cannot ſay that that is a felony.

Mr. Knapp. There is a yard and a half of ſilk and a net purſe. *(Miller, the officer, produces it).*

Mr. Knapp. *Q.* Do you think this looks as if it had ever been waſhed?—*A.* No.

Q. *(To Eckhart.)* Did you ever—

Court. I think as to any property that was taken before the time that ſhe ceaſed to work for him as a waſherwoman, an action of Trover might be brought for not delivering it up, but it cannot be charged as a felony; therefore the caſe muſt be now reduced to theſe articles not delivered to her as a waſherwoman.

JOHN MILLER *ſworn.*—I went with Mr. Eckhardt laſt Sunday week, to ſearch his houſe, at Knightſbridge; I ſearched the lower part, and in a bundle which laid upon the table in the parlour, I found, among other things, theſe two articles.

Croſs-examined by Mr. Knowlys. *Q.* Do you remember any converſation between Mr. Eckhardt and Rivett?—*A.* I do not.

Q. Is Rivett here?—*A.* No, he is in the country.

GEORGE STOVIN *ſworn.* *Q.* Do you know this piece of ſilk, and where it was found?—*A.* Yes; in a private drawer of the woman priſoner's, in her own bed-room; I delivered it to the officer, Miller.

Croſs-examined by Mr. Knowlys. *Q.* When did you find this?—*A.* On the Saturday morning I went with the officer.

Q. Was that drawer locked or open?—*A.* Locked.

Q. You know that this woman had the care of the houſe, and was the houſekeeper?—*A.* I heard ſo.

Q. Therefore, if ſuch a thing was lying about, was it not proper for her to take care of it?—*A.* She took it out of her maſter's cuſtody.

Q. Were you preſent when theſe people inſiſted upon the demand of fifty-one pounds?—*A.* Yes.

Q. And it was not till after that demand that he went to Bow ſtreet?—*A.* No; but he mentioned theſe ſuſpicions to me long before.

Q. On the Saturday, I believe, they had agreed to part, had they not?—*A.* No.

Q. On the Saturday, I believe, there was a ſettlement of the running account?—*A.* Yes, a weekly bill.

Q. Upon which, Mr. Eckhardt paid one pound odd?—*A.* Yes.

Q. Did they not then inſiſt upon his paying them fifty pounds?—*A.* Yes; and they moreover told him they would not quit his houſe till it was paid; and they behaved as indecently as I ever ſaw two people in my life; ſhe ſtruck me ſeveral times.

Mr. Knapp. *Q.* What were thoſe ſuſpicions? —*A.* That he had miſſed a number of articles out of his own houſe and cuſtody.

EDWARD TREADWAY *ſworn.* — *Examined by Mr. Knapp.*—I am an officer: I went to ſearch this houſe at Knighſbridge, on Thurſday, the 15th of this month—

Q. After the priſoners were in cuſtody?—*A.* I never ſaw the priſoners; I went to Mr. Eckhardt's, into the right hand parlour, the door was locked, I ſent for a ſmith to open it, and in the drawer I found a pair of ſilk ſtockings and other things; I afterwards went up ſtairs, and ſaw Mr. Eckhardt find this purſe, he ſaid, that is my purſe.

Q. Where did he take it from?—*A.* The bed-room, up two pair of ſtairs front room.

Q. Was it locked?—*A.* I believe it was not.

Mr. Knapp. (To Eckhardt.) *Q.* Look at that piece of ſilk?—*A.* I have had it three or four years, Lord Lanſdowne made me a preſent of it.

Q. Had that ſilk ever been waſhed?—*A.* Certainly not.

Q. Look at that purſe, do you know that?—*A.* Perfectly.

Q. Has

Q. Has that ever been waſhed?—*A.* No.

Q. Were theſe things ever delivered by you to the priſoner to take care of?—*A.* Never.

Q. Where was that purſe found?—*A.* In the priſoner's bed-room, in her drawer.

Q. Do you recollect whether that drawer was locked or not?—*A.* That I am not poſitive of.

Q. Where was the ſilk found?—*A.* In a drawer, I believe.

Mr. Stovin. In a drawer in the bed-room.

Q. That drawer was locked?—*A.* Yes, and opened by the priſoner herſelf in the preſence of the officer.

Q. Was the man priſoner there at that time?—*A.* I believe he was; ſhe ſaid ſhe found it ſomewhere, and took it to take care of, as far as I can recollect.

Mr. Knowlys. Q. You have had that piece of ſilk four or five years?—*A.* Yes.

Q. Then you had it before you removed to this houſe at Brompton?—*A.* Yes.

Q. Upon your oath, were not the priſoners the perſons who aſſiſted to remove your goods from the lodgings of Mr Jarvis?—*A.* They aſſiſted.

Q. And will you ſwear that that ſilk was not removed from there?—*A* I cannot ſwear that.

Q. Had you a thorough ſearch with the officer?—*A.* Yes.

Q. Then this purſe was not found?—*A* No.

Q. Who was lucky enough to pitch upon that firſt, after they had been in cuſtody five days?—*A.* It was my ſiſter.

Q. Did you ever aſk for that ſilk, or the purſe?—*A* No, I did not, I thought it was in my trunks.

Mr. Knapp. Q. We have heard that this piece of ſilk was removed from your former houſe to your houſe at Knightſbridge, and that the priſoners aſſiſted in the removal of them?—*A.* Yes.

Q. In whoſe cuſtody and poſſeſſion was that ſilk placed after you removed—was it in your cuſtody or the priſoners?—*A.* My property was put in my trunks and my boxes, I did not give it to either of the priſoners to take care of.

Q. After the time that you had brought them to Knightſbridge in your trunks, did you ever deliver that piece of ſilk to either of the priſoners to take care of for you?—*A.* I never did.

Q. Did you happen to ſee the ſilk after you came to Knightſbridge?—*A.* No, I did not; I did not aſk for it, as I did not know that I had loſt it.

William Hitchin's defence. Ever ſince Mr. Eckhardt's failure, I have been in the conſtant habit of keeping his different things from different lodgings, and removing them, which has been for theſe two years; I was in poſſeſſion of their property in Ely-place, St. George's-fields, ſome looſe, ſome packed up, and others put together; I often told Mr. Eckhardt I had ſeveral of his things intermixed with mine, and when he wanted to borrow a cravat, my wife would lend him a clean cravat, and he would return and leave his dirty one; and as to the handkerchief and ſhirt that he ſpeaks of finding in the bureau, they were in a bundle upon the table in the parlour, and when me and my wife were taken into cuſtody, Mr. Miller put theſe things in the bureau off from the table, or elſe they were not in the drawers at all.

Elizabeth Hitchin's defence. I never wronged him in my life whatever; he has often, when he has waſhed himſelf, left his ring, and I have given it him, and he has ſaid, I thank you, I knew it was ſafe; and his keys I have always taken care of; I have diſtreſſed myſelf, I and my huſband, to keep up Mr. Eckhardt's credit; I told him I had a great many other things of his in my care, and I wiſhed to have an inventory of them in caſe any thing ſhould happen.

For the Priſoners.

FRANCIS JARVIS *ſworn.—Examined by Mr. Knowlys.*—I live at Charing-croſs; Mr. Eckhardt lodged with me; the two priſoners were then in his ſervice; he left my lodgings, to the beſt of my recollection, about a year and a quarter ago.

Q. During the time he lodged there, and theſe people lived with him, what character did they bear?—*A.* He told me they were honeſt reſpectable people.

Q. Did you ever hear Mr. Eckhardt acknowledge himſelf indebted to them?—*A.* The priſoner uſed to attend him at his apartments, and the wife uſed to come for his linen to waſh.

Q. How did he ſay he was indebted to them?—*A.* At the expiration of three quarters of a year after Mr. Frederick Eckhardt and the proſecutor lived with me, they became bankrupts, and during the time they were out of the way till the buſineſs was ſettled, the priſoner was in poſſeſſion of all their property.

Q. Was that by his appointment and by his direction?—*A.* I ſhould ſuppoſe ſo; the priſoners at the bar were coming backwards and forwards continually, and had poſſeſſion; as ſoon as Mr. Eckhardt returned, after the bankruptcy, they came to my houſe again; I went up ſtairs into the apartments of Mr. Eckhardt, to make a demand of my rent; in the courſe of converſation, he ſaid, Mr. Jarvis, I ſhall never be able to repay Mr. Hitchin for his honeſty, my family will never be able to repay him, for if it had not been for him, I ſhould not have had a rag to ſtand up in.

Q. Has he made uſe of ſimilar expreſſions to that often?—*A.* Once or twice.

Croſs-examined by Mr. Knapp. Q. How long is this ago?—*A.* About two years.

Q. Have you been in the habit of ſeeing the priſoners ſince that time?—*A.* Yes.

Q. You, perhaps, take a minute of expreſſions of that ſort?—*A.* In my mind I do.

Q. Do you remember any thing elſe that happened about that time?—*A.* Any particular generous act I ſhould.

Q. You

Q. You have heard all the queſtions that were put by my learned friend to Mr. Eckhardt?—*A.* Yes.

Mr. Knowlys. Q. Did you ever know any thing more remarkable, than a maſter acknowledging himſelf under ſuch a debt of gratitude?—*A.* Never.

MICHAEL SHANNON *ſworn.—Examined by Mr. Knowlys.* I am journeyman to Mr. Eckhardt.

Q. Do you know the priſoners at the bar?—*A.* I have known them a year and eight months.

Q. Do you know whether Mr. Eckhardt has given them things to pawn for him?—*A.* Yes.

Q. Often?—*A.* Yes.

Q. Very often?—*A.* Yes.

Q. Have you known inſtances of their advancing Mr. Eckhardt money?—*A.* I have heard them ſpeak of it, that is all.

Q. Have they not, themſelves, paid wages due from Mr. Eckhardt to you, with their money?—*A.* Yes, they have.

Q. Have you ever heard Mr. Eckhardt acknowledge their kindneſs to him, and how much he was indebted to them?—*A.* I cannot ſay that.

Croſs-examined by Mr. Knapp. Q. Where do you live now?—*A.* In James-ſtreet, Mancheſter-ſquare.

Q. Have you known the priſoners to the preſent time?—*A.* I have.

Q. Have you been in habits of intimacy with them?—*A.* Of working with them.

Q. The priſoners have pawned things for the proſecutor?—*A.* Yes.

Q. Can you recollect the times?—*A.* The laſt time was about Chriſtmas.

Q. Who told you of it?—*A.* I ſaw the duplicate, Mrs. Hitchin ſhewed it me.

Q. Mr. Eckhardt did not ſhew it you?—*A.* No, but he has ſince; the proſecutor told me himſelf, that he has given them things to pawn.

MARY HOSEY *ſworn.*—I am a green-grocer.

Q. Do you know Mr. Eckhardt, the proſecutor?—*A.* Yes.

Q. Have you heard him, ſince the priſoners were committed, ſay any thing about their being committed?—*A.* Yes, he was in my houſe the Tueſday morning after the priſoners were taken up; he came into my houſe, and I ſaid, I hoped that he would conſider theſe people, that nothing ſhould happen to them, that they ſhould be tranſported or hanged; he ſaid, he hoped not; in caſe they ſhould be tranſported or hanged, he ſhould never be a happy man any more; he ſaid, he ſhould not have done any thing of the kind, had not the priſoners threatened him, on the Saturday evening, to arreſt him for 50l. odd, on the Monday following.

Q. Are you ſure that he ſaid, he ſhould not have proſecuted them, if they had not threatened to arreſt him for 50 odd pounds?—*A.* Yes.

Q. Was Hannah Palmer at your houſe at the time?—*A.* Yes.

Croſs-examined by Mr. Knapp. Q. Where did this converſation take place?—*A.* At my houſe; he was going paſt my door.

Q. And you called him in?—*A.* No; Mrs. Palmer was in my houſe, who had property at the priſoner's houſe; Mr. Eckhart, ſeeing her in my houſe, he came in.

Q. How lately before had you ſeen the priſoners at the bar?—*A.* The Saturday night before this happened to them.

Q. Had you been deſired to ſee him?—*A.* No.

Q. You are upon very intimate terms with them?—*A.* No further than ſerving them.

Q. So Mr. Eckhardt ſaid, he wiſhed they might not be tranſported or hanged?—*A.* Yes, he did; and he ſaid he ſhould never be a happy man again.

Q. Did you know them while they lived with Mr. Eckhardt?—*A.* No, not till within theſe ſix months.

HANNAH PALMER *ſworn.—Examined by Mr. Knowlys.* I am ſiſter to Mrs. Hitchin: I was in Mrs. Hoſey's ſhop when Mr. Eckhardt came in; he ſaid he ſhould not have done it, if Mr. Hitchin had not threatened to take him up for 50l. odd.

Mr. Knapp. Q. You are the ſiſter of Mrs. Hitchin?—*A.* Yes.

Mr. Knowlys. Q. Has money been borrowed of you for Mr. Eckhardt?—*A.* Yes; I lent her 10l. in money for Mr. Eckhardt.

WILLIAM HOSEY *ſworn.*—I am the huſband of Mary Hoſey: I came in, and heard Mr. Eckhardt talking to my wife and another, I aſked him what he meant to do with theſe poor people, and he ſaid, he ſhould not have done it, if he had not threatened to arreſt him on Monday morning for 51l.; and I ſaid, do remember, Sir, what ſervices Hitchin has done for you.

Croſs-examined by Mr. Knapp. Q. You began the converſation?—*A.* Yes.

Q. And then it was that Mr. Eckhardt ſaid what you now ſtate?—*A.* Yes.

JOHN THOMAS *ſworn.—Examined by Mr. Knowlys.* I live at Knightſbridge: I know Mr. Eckhardt very well, and I know the priſoners at the bar, they are very honeſt induſtrious people: On the Tueſday, or Wedneſday, after they were taken up, I was ſtanding at my door, in the morning, he ſaid to me, Mr. Thomas, I ſuppoſe that you have heard of what has happened; I ſaid, yes, Sir, I have; but what can it all be about; why, ſays he, they have put it all wrong in the papers—

Q. It had appeared in the newſpapers?—*A.* Yes, but I have not ſeen it; ſays he, about the two 20l. notes; ſays he, a gentleman brought me a bill of 51l. for chairs, and furniture, in Hatton-garden, but I did promiſe to pay them a note there, belonging to my brother, of 10l. I offered to give them a new note for 13l. at two months, to get rid of them; I heard him alſo ſay, had I not taken this meaſure he would have arreſted me for this falſe debt on the Monday morning.

Mr. Knapp. (To Eckhardt.) Q. You have heard what Mr. Jarvis ſtated juſt now; upon your oath, was what Mr. Jarvis ſtated, upon his oath, true?—*A.* I ſay it is a compleat untruth; I ſwear to God, that I never have ſaid a ſingle word, or a ſingle letter, that I can ſay before God, and my conſcience; I defy him to ſay I ever ſaid ſo; as to theſe people that come to ſwear that I ſaid I took them up becauſe they threatened to arreſt me, they accoſted me to know how this buſineſs went on; and I had mentioned to them, that among other things, they had demanded a bill of 51l. and that I had taken them up.

Mr. Knowlys. Q. You know you have anſwered me

ſome

ſome queſtions upon this—do you now admit, that their threatening was one of the reaſons, mixed with others, that induced you to take them up?—*A.* To be ſure; all the atrocity together.

Q. Then you did ſay that was one reaſon, amongſt others?—*A.* Yes; I did when I told it to Mr. Stovin; he ſaid, he would be bail for me immediately if they did arreſt me.

Q. Did you then tell theſe people that their threatening to arreſt you for 51l. was one reaſon amongſt others why you took them up?—*A.* All the atrocity together; they had behaved ſo bad, and ſo diſreſpectful to me, that they had even gone ſo far as to threaten to arreſt me for it.

Q. Then did you or not, ſay to theſe people, that their threatening to arreſt you for 51l. was one of the reaſons that induced you to take them up?—*A.* It was one of my reaſons, of courſe.

NOT GUILTY.

Tried by the third Middleſex Jury, before Mr. RECORDER.

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232. BERNARD HUET was indicted for feloniouſly forging and counterfeiting, on the 7th of November, a Bank-note for the payment of 30l. with intent to defraud the Governor and Company of the Bank of England.

Second Count. For forging a note in the form of a Bank-note, with the like intention.

Third Count. For forging a promiſſory-note of like value, with the like intention.

Three other Counts. For ſimilar offences, with intention to defraud Thomas Shaw.

Three other Counts. For ſimilar offences, with intention to defraud William Cockſedge, and Charles Maitland, and

Three other Counts. For uttering and publiſhing the ſame, as true, knowing them to be forged.

(The indictment was ſtated by Mr. Giles, and the caſe opened by Mr. Fielding).

(The priſoner being a Frenchman an interpreter was ſworn).

THOMAS SHAW *ſworn.—Examined by Mr. Knowlys.* *Q.* Do you know the priſoner at the bar?—*A.* I have ſeen him often, for a month before this tranſaction happened.

Q. Did you ſee him on the 6th of November?—*A.* I cannot be particular to the 6th or 7th of November; I ſaw him at No. 3, Leiceſter-ſtreet, Leiceſter-fields.

Q. Did you on that day receive any Bank-note from the priſoner?—*A.* A 30l. note.

Q. Is that the note you received from him?—*(Shewing him a note).*—*A.* Yes.

Q. How do you know that?—*A.* I wrote my name upon it.

Q. Did you afterwards receive caſh from any body for this note?—*A.* Yes; from a perſon of the name of King, who keeps the Red-lion in Jermyn-ſtreet, the ſame day.

Croſs-examined by Mr. Knapp. *Q.* You are not certain whether it was the 6th or 7th of November?—*A.* I cannot ſay.

Q. You are, perhaps, not certain at all as to the day of the month?—*A.* I am certain it was either the 6th or 7th of November.

Q. You keep a houſe which is, we underſtand, a gaming-houſe?—*A.* I do not; I do not ſay that I have not.

Q. But you did at that time?—*A.* Yes; but not at the houſe where the note was taken.

Q. At whoſe houſe was that?—*A.* Cockſedge's.

Q. Were you playing there?—*A.* No; I attended for Mr. Maitland, who was out of town, to ſee that every thing was done right.

Q. You took care of the bank, perhaps?—*A.* Yes.

Q. This was not a Banking houſe, I believe, but a *Rouge et Noir* bank?—*A.* I cannot ſpeak French.

Q. There is a good deal of money played for?—*A.* Yes.

Q. Did you receive many notes for the bank that day?—*A.* Not of that deſcription; I received a good many ſmall notes.

Q. Did you keep the account for the gentleman, whom you repreſented upon this occaſion as keeper of the bank?—*A.* Not of the particular notes.

Q. There is a good deal of hurry attending that ſort of buſineſs?—*A.* Very little.

Q. It is all coolly done, is it?—*A.* Very coolly.

Q. Beſides the notes that are paid into the bank, I mean the bank that we are talking of, not the Bank of England, are there not bets take place at the table?—*A.* None, but what are on the table, that I know of.

Q. I mean the bets between the different individuals who are gambling and playing?—*A.* Not that I know of.

Q. Did you never know, in the courſe of your knowledge of tranſactions of this ſort, bets taking place between individuals, beſide what is played for at the tables?—*A.* I do not recollect any ſuch thing.

Q. Will you ſwear that that has not taken place within your knowledge?—*A.* I never knew a thing of the kind.

Q. My learned Friend aſked you if you knew this note, you anſwered him, that you put your name upon it?—*A.* Certainly.

Q. When did you put your name upon it?—*A.* In half an hour, or an hour; it was never out of my poſſeſſion from the time of receiving it, till I got change for it.

Q. What did you do with it when you firſt received it?—*A.* I laid it on the table under a lead.

Q. Will you ſwear it was not more than an hour?—*A.* I cannot take upon myſelf to ſwear the exact time, I think it was not.

Q. How many perſons were there in the room at play?—*A.* I cannot ſay; there might be twenty, or from that to forty.

Q. Will you ſwear that there were not fifty people there?—*A.* I will not take upon myſelf to ſwear that.

Q. Were all the people that were in the room engaged in playing?—*A.* I ſhould ſuppoſe not; there were frequently ſeveral lookers on.

Q. Thoſe that were lookers on were ſtanding round the table, were they not?—*A.* Generally ſo.

Q. Were they chiefly French, or were they Engliſh?—*A.* They were both.

Q. Acting as agents for this worthy gentleman, Mr. Maitland; I take it for granted, your attention was pretty

pretty much taken up, in regarding his intereſt, taking care of the bank, and plundering the people?—*A.* Certainly.

Q. Were you not the perſon to whom Mr. King applied, reſpecting this note, and to know what were the circumſtances attending it?—A. Certainly.

Q. You knew, unleſs you could give an account of the poſſeſſion of this note, you would be liable to be hanged before your time?—A. Certainly.

Q. Therefore, it was a good thing, you know, to ſlip your own neck out of the halter, and charge ſomebody elſe?—A. I do not charge anybody but the perſon I took it from; the priſoner at the bar aſked me to give him change for a 5l. note, and he gave me this 30l. note; I returned it him back, and ſaid, young man, you are miſtaken, it is a 30l. note, and he took it back.

Q. What did the priſoner ſay to that?—A. He ſaid nothing more at that time.

Q. At what other time did he ſay any thing?—A. In about a quarter of an hour after, or it might be leſs, he put down the note, and ſaid he wanted five pounds on it.

Q. In what profeſſion of life are you beſides being a gambler—what other means of livelihood have you?—A. I am agent to a gentleman in Birmingham, Mr. Betts, in the plated line.

Q. Beſides acting in the important character of agent in a gambling-houſe—did you not at this time keep a gambling-houſe yourſelf?—A. I did for about a fortnight.

Q. Where was that?—A. No. 34, Jermyn-ſtreet.

Q. If it is not impertinent, I will aſk you if you have viſited any of the jails of this metropolis—have you been in any of them?—A. I have once, I do not deny it.

Q. How often?—*A.* Never, but once.

Q. What was the charge then againſt you?—*A.* As an evidence.

Q. What, you turned *ſtag*, you were evidence for the Crown,—in what caſe?—*A.* Againſt a perſon who had robbed the mail.

Q. What, the Rotherham mail?—*A.* Yes.

Q. You have never been in any other jail yet?—*A.* No, nor I truſt I never ſhall be.

Mr. Knowlys. Q. You ſay you received no other 30l. note than this?—*A.* No other.

Q. If you had been paſſing a note that you thought was ſuſpected, would you have put your own name to it?—*A.* No. I ſhould not.

Q. When the priſoner ſaid he wanted 5l. upon this note, did he addreſs you in Engliſh or French?—*A.* He aſked me to change it in Engliſh.

Q. When he propoſed his bets, was that done in French or Engliſh?—*A.* In broken Engliſh.

NATHANIEL LOARING *ſworn.—Examined by Mr. Giles.* I am clerk to the Solicitor of the Bank.

Q. Were you preſent when the priſoner was apprehended?—*A.* I firſt ſaw him at a public-houſe near Leiceſter-fields, I think it is called Sydney's-alley, I underſtood he had been taken about an hour before.

Q. Who were then preſent?—*A.* Townſend and Carpmeal, two of the Bow-ſtreet officers, together with two men that Mr. Shaw had employed to take him, who knew his perſon.

Q. Were any queſtions aſked him by you, or any perſon preſent, reſpecting this note?—*A.* None.

Q. Did he ſay where he got it from?—*A.* He did not, till he got to the Magiſtrate's; I got a coach, and went with the officer to ſearch his lodgings.

Q. Did you hear him give any account of it at the Magiſtrate's——

Mr. Gurney. Q. Was not the account that he gave at Bow-ſtreet, taken in writing?—*A.* It was not.

Q. Are you quite ſure of that?—*A.* Yes.

Q. Did you, at that time, apply your mind to it, ſo as to be able afterwards to ſay that it was not?—*A.* I underſtood ſo.

Q. Did you, at that time, obſerve the fact, with a view to give evidence of it hereafter?—*A.* I took no particular notice of it, for the purpoſe of giving evidence, but I did not obſerve that there was any examination taken in writing.

Q. But whether it was or not, you cannot ſay?—*A.* I really believe it was not; when we came before the Magiſtrate, the note was produced to him, and he was aſked how he came in poſſeſſion of the note; the Magiſtrate aſked him if he knew the note, he replied he did; the Magiſtrate aſked him again the ſame queſtion, two or three times over, and he ſaid yes, he knew it perfectly well; he ſaid he had found it, together with a 20l. note, one evening, I think, in Leiceſter-ſquare, folded in a piece of paper; he was aſked, what paper, and how was it folded, whether it was in a letter, or how, he took a piece of paper, that was then lying on the table, and folded it up, deſcribing to the Magiſtrate how the notes were folded; he was aſked, whether that was the fact that he had ſtated, he ſaid it certainly was.

Q. Did he ever ſay what he had done with them?—*A.* He ſaid that he had put them in his pocket, that he had never told any perſon that he had found the notes.

Q. Did he mention how he had got rid of them?—*A.* He was aſked if he had not produced it at Shaw's gaming-table, and put it off there, and he ſaid, yes; he was then aſked, what he had done with the other 20l. note, he ſaid he had paſſed it at a gaming-houſe kept by one Robinſon, in Suffolk-ſtreet, Charing-croſs; he was aſked, how he got his livelihood, he ſaid he received a daily allowance from one of the committee appointed by this government for the relief of Emigrant Frenchmen; I do not recollect that any thing elſe paſſed at that time.

Q. When did you ſee him there again?—*A.* I think it was the 27th of December he was brought up to Bow-ſtreet, for further examination.

Mr. Gurney. Q. Was not that ſecond examination taken in writing?—*A.* No; he was then queſtioned again how he came by that 30l. note, he ſaid he had received it from his brother abroad, in a letter, I think he ſaid from Altona, I am not certain; they were encloſed in a letter, which, he ſaid, was amongſt his papers that I took from his lodgings; the Magiſtrate aſked him how he came to give a different account then to that which he gave upon the former examination, and he made no anſwer.

Mr. Giles. Q. Did you, amongſt the papers found in his lodgings, diſcover any letter?—*A.* In conſequence of his having ſaid that, Mr. Winter directed me to take all his paper to him in Newgate, which I did, and deſired him to point out, if he could, whether the letter that he had ſtated was amongſt thoſe papers; he looked them all over, and found the cover of a letter, a half-

ſheet

ſheet of letter-paper, which I now hold in my hand, which he pointed out as encloſing the notes, *(produces it)*; it is in the ſame ſtate in which I found it. On the day he was brought up for a ſecond examination, I think it was on the 27th of December, I produced to him a letter folded up, and I aſked him if he knew the writing of the direction on the back, he ſaid he did; he was aſked if it was his brother's writing, he ſaid yes; he opened it, and read a part of it, he looked at the latter part of the letter, and was aſked if it was his brother's writing, a ſecond time, and then he ſaid, he did not know whoſe writing it was, and began to cry; he had read a part of it before that, he had not read the whole.

Q. From whom did you receive that letter?—*A.* I received it from Mr. Winter open, and when I received it there was a 25l. note in it; I did not ſhow the note to the priſoner, he knew nothing at all about the note.

Croſs-examined by Mr. Gurney. Q. You ſay, when he was taken to the office at Bow-ſtreet, he was queſtioned whether he knew the 30l. note?—*A.* He was.

Q. At that time, I preſume, he was ſtanding at the bar?—*A.* We were in a private room up ſtairs, and he was ſitting at the ſame table with the Magiſtrate, next to the clerk and Mr. Winter.

Q. The note was ſhewn to him, and he inſtantly ſaid, yes, he knew it?—*A.* Yes.

Q. He anſwered that he knew it, before he had taken it into his own hand to examine?—*A.* He did.

Q. Of courſe, he had not at that time examined the number of the note, and all the particulars concerning it?—*A.* He had not then, but it was put into his hand, and he looked at it, and turned it two or three times over.

Q. Were all theſe queſtions aſked in Engliſh or in French?—*A.* In Engliſh, and he anſwered in Engliſh; he ſpeaks Engliſh very well, or elſe I could not have underſtood him.

Q. At the time when he was firſt apprehended, and firſt examined, I need ſcarcely aſk you, he being a foreigner, whether he was not under a conſiderable degree of agitation?—*A.* He certainly was when I firſt ſaw him in the public-houſe, when he was firſt apprehended, he was certainly agitated, but I did not perceive any agitation at all before the Magiſtrate.

Mr. Giles. Q. After he had turned it over and over again, did he afterwards give the ſame account of it?—*A.* He did.

JOHN RIVETT *ſworn.—Examined by Mr. Fielding.* I am a Bow-ſtreet officer.

Q. Did you apply at any houſe in Wardour-ſtreet, at the lodgings of the priſoner?—*A.* On the 9th of December, a perſon who kept the houſe where the priſoner lodged, ſent to the office for an officer, I went in conſequence, her name is Vanderhouſe.

Q. When you came to the houſe, what did you find there?—*A.* She gave me a letter.

Q. Look at that?—*A.* This is the letter I received from the woman.

Q. When you had received that letter, what did you do with it?—*A.* I took it to Mr. Winter, who opened it in my preſence, it contained a Bank-note of 25l.

Q. Look at that note?—*A.* This is the note, for I marked it; I left the letter and the note with Mr. Winter; that is all I know of it.

Croſs-examined by Mr. Knapp. Q. You did not know the priſoner at the bar before?—*A.* No.

Q. Nor you did not know that theſe were his lodgings, but from the information of other people?—*A.* Certainly not.

Q. And it was not till after the priſoner was in cuſtody that it was found?—*A.* No.

Q. Therefore it had never reached the priſoner?—*A.* I cannot ſay.

Q. How long was that after he was apprehended?—*A.* It might be five or ſix weeks.

——— WINTER *ſworn.—Examined by Mr. Fielding.* Q. Is that the letter that you received from Rivett, containing the 25l. note?—*A.* Yes.

Q. And is that the letter that you gave into the hands of your clerk, Mr. Loaring?—*A.* It is.

Mr. Giles. (To Loaring.) Q. You mentioned that you found ſome papers, which you afterwards ſhewed the priſoner, in Newgate?—*A.* Yes.

Q. Where did you find thoſe papers?—*A.* At his lodings, No. 10, Wardour-ſtreet; I went there, when he was firſt apprehended, with the officers; he took us into a room, and pointed out what things were his in the room.

Mr. Fielding. (To Rivett.) Q. Was that the houſe, No. 10, where you went to, and got this letter?—*A.* Yes, it was.

Mr. Fielding. Now, my Lord, I mean to produce in evidence, this letter—

(Here Mr. Knapp contended againſt the admiſſibility of the letter, the priſoner having been ſix weeks in cuſtody before it was found, and there being no admiſſion of the contents of the letter, though there was an admiſſion of the ſuperſcription).

Mr. Gurney, (on the ſame ſide). My Lord, I remember there were papers offered in evidence in this Court upon the trials of Mr. Hardy, Mr. Tooke, and Mr. Thelwall, for high treaſon, which appeared to have been found ſome days ſubſequent to the apprehenſion of the priſoners, and though they were able to prove the hand-writing of perſons connected with the conſpiracy charged, and whoſe hand-writing they had proved in the courſe of thoſe trials, yet, as they were not diſcovered till after they were apprehended, thoſe papers were rejected, for this reaſon, that papers not proved to have exiſted prior to their apprehenſion, could not be charged upon them. —To apply that to the preſent caſe, I aſk how it is poſſible to ſay, that a letter that did not arrive till ſome weeks after the priſoner was apprehended, can affect him? Your Lordſhip ſees this is not ſeeking to affect the priſoner, by any act of his own, or of any perſon in connection with him in the conſpiracy, but the act of a perſon reſiding in a foreign country.

Mr. Juſtice Aſhhurſt. I look upon it it is not an impoſſible thing that a letter arriving after a man has been arreſted, and in cuſtody, may be good evidence, according to the ſhape in which it is put; as to what may be the caſe in the preſent inſtance, I know not what the defence of the priſoner is, but this I know, there is a letter comes addreſſed to him, which by poſſibility may throw light upon the ſubject; this letter comes to him by the poſt, it is ſhewn to him, and he ſays he knows the hand-writing; I cannot ſee why that ſhould not be received.

Mr.

Mr. Juſtice Rooke. Suppoſing a letter ſent after the man is in cuſtody, and it is found upon his perſon, have you a doubt that that letter would not be good evidence; and where is the difference?

(*The letter and the Bank note produced.*)

ELIAS BUZAGLO *ſworn.—Examined by Mr. Fielding.* Q. Look at that paper, is that your tranſlation of the French letter?—*A.* Yes.

Q. Is it a faithful tranſlation?—*A.* As far as I am competent; and I have ſworn very frequently to my tranſlations before the Lord-Mayor, and other Juſtices. (*It is read*)

Addreſſed Monſ. Huet, Wardour-Street, No. 10, Oxford-Road, London, dated Altona, 22d Nov. 1797.

"I am ſorry for you and for myſelf that you have met with ſuch bad ſucceſs in the affair wherewith I charged you; I nevertheleſs hoped that it would procure me ſome ſuccour—it is done, it is no more to be relied on. Tell me, then, why they have given 5l. ſterling to your friend, having found effects of no value, and in which he had no right, he had nothing to claim; I confeſs to you that all this appears to me very extraordinary. I have no ſuch goods as you require of me; I have now a pretty conſiderable quantity left of thoſe, whereof you have had ſamples; I believe that it is actually impoſſible to diſpoſe of them now, it is only a few of the ſkilful, who, when they have good merchandize by them, can attempt to make a good ſtroke; beſides, I ſhall not purchaſe them, but with money. I am preſſed by wants without number, I have exhauſted all my reſources, I am in want of every thing; I hear no news from any perſon; I know not how to act, or what will become of me. If Mr. Duberdour is in London, you will do well to take out of his hands what I have procured in your name at Bruſſels. Do you know a Mr. Bray, who is charged with the government of the police of foreigne s? This gentleman is from Angolene; he is the ſon of a baker, he is the brother-in-law of Loton, the attorney; I have frequently ſeen him at Bruſſels: if you can ſee him, and inform yourſelf of his addreſs; if he is in want of any perſon, and I can be employed in the Tennis Court, as my countryman, it may be uſeful to me, perhaps. I am in ſuch miſery, that there is nothing that I would not undertake; notwithſtanding I am convinced you have not acted ſincerely towards me; I ſtill give way to a ſentiment, of which I was always the dupe to you. You will find enclоſed a bi l of 25l. Remember, be very prudent and circumſpect in your conduct; do not expoſe yourſelf, in making the moſt of them, whatever be your ſituation; but do not forget that I am very unha py, and contrive to ſend me ſomething. Prove to me that you have a deſire to oblige me. I hope that you will not be indiſpoſed at the receipt of my letter, and that you will anſwer me as ſpeedily as poſſible."

JAMES PRETTY *ſworn.—Examined by Mr. Knowlys.* Q. You are one of the clerks who ſign notes for the Governor and Company of the Bank of England?—*A.* Yes.

Q. Look at that note, and tell me if that is a note of your ſigning?—*A.* It is not.

Q. Do you think it is a forged Bank note?—*A.* I believe it is.

Q. Is there any other James Pretty, who is authorized to ſign notes for the Governor and Company of the Bank of England?—*A.* No, there is not; I ſigned no note of that date for that ſum.

GILES COLLINS *ſworn.—Examined by Mr. Giles.* I am a Caſhier of the Bank.

Q. Look at the ſignature of that note, and ſay if it is your hand-writing?—*A.* It is not my hand-writing, neither did I ſign any note for that ſum of that date; I believe it to be a forgery.

Q. Are you able to ſtate, from inſpection, whether it is a forgery or not?—*A.* Certainly it is. (*It is read*).

No. 7135. No. 7135.

1796, Bank, 16th Feb. 1796,

I promiſe to pay to Mr. Ab. Newland, or bearer, on demand, the ſum of £.30 London, 16th day of Feb. 1796, for the Governor and Company of the Bank of England. J. Pretty.

£. 30 Entered S. Fatt.

For the Priſoner.

JANE GIBSON *ſworn.—Examined by Mr. Gurney.* I live at No. 9, Little Titchfield-ſtreet.

Q. Did Mr. Huet, the priſoner, lodge with you?—*A.* Yes, he did.

Q. To what time did he lodge with you?—*A.* He came to lodge with me very ſoon after he came from Quiberon, I cannot ſay the time; he lodged with me one week.

Q. Did he lodge with you after that?—*A.* No.

Q. Were letters ever left for him at your houſe?—*A.* Yes; one letter, to the beſt of my knowledge on the 24th of October laſt, it came by the General Poſt.

Q. Has that the appearance of being the cover of the letter, which came?—*A.* Yes, it has.

Q. Did you deliver that letter to Mr. Huet?—*A.* I did.

Q. Did you ever receive more than one for him?—*A.* No.

Q. Did you ſee the letter opened by Mr. Huet?—*A.* Yes; he opened it in my front parlour; when he opened it, he took out apparently to me, two Bank notes, and ſaid, his brother had ſent him ſome relief.

Q. You did not ſee for what ſum thoſe notes were?—*A.* No.

Q. How long had you known Mr. Huet?—*A.* Upwards of three years.

Q. During the time you have known him, what has been his character for honeſty?—*A.* He has had many opportunities, if he had been diſhoneſt, of taking things from me; I always found him very honeſt.

Q. In what way of life has he been?—*A.* Teaching people.

Croſs-examined by Mr. Fielding.—Q. When was this?—*A.* On the 24th of October.

Q. Did he tell you where he went to lodge, after he left you?—*A.* Yes; the firſt lodging he had, after he left me, was in Well-ſtreet.

Q. Did you know him, when he lodged in Wardour-ſtreet?—*A.* I did not ſee him ſo often after he went to Wardour-ſtreet.

PELLET DAYNES (a Foreigner) *ſworn.*—Q. Do you know Mr. Huet?—*A.* Yes.

Q. Do you remember his calling upon you in October laſt?—*A.* In the month of November laſt, he called upon me, I do not know the day.

Q. Are

Q. Are you ſure it was November?—*A.* I cannot ſay, It might be December.

Q. Do you remember his ſhewing you a letter he had received?—*A.* Yes.

Q. Did he tell you from whom he had received that letter?—*A.* From his brother at Hamburgh.

Q. Did he tell you any thing of the contents of that letter?—*A.* He ſaid it contained two notes.

Q. Did you receive from him either of the notes?—*A.* One.

Q. What value was the note that you received of him?—*A.* He told me that was a 30l.

Q. For what purpoſe did he deliver it to you?—*A.* For fear of loſing it.

Croſs-examined by Mr. Fielding. Q. Have you got it now?—*A.* No.

Q. Where do you lodge?—*A.* In Elliot's-row, St. George's-fields, No. 7.

Q. What is the name of the landlord, who keeps the houſe?—*A.* I do not rightly remember it.

Q. Are there any more of your countrymen live there?—*A.* Two.

Q. Tell me the names of theſe two?—*A.* Monſ. Dobree, and Monſ. Londy.

GEORGE SKINNER *ſworn.*—*Examined by Mr. Knapp.* I live at No. 42, Caſtle-ſtreet, Oxford-market; I am a ſurgeon belonging to the Corporation of London.

Q. Do you know the priſoner at the bar?—*A.* Perfectly.

Q. How long have you known him?—*A.* Upwards of three years.

Q. What has been his character for honeſty, during that time?—*A.* I never heard any thing to the contrary of his being a very honeſt man; he taught the French language.

PETER VINCENT *ſworn.*—I live at No. 6, Tottenham-court Road.

Q. What are you?—*A.* A French clergyman; I have known the priſoner eighteen years, he bears a very good character.

GUILTY **Death.** (Aged 33.)

Of uttering, knowing to be forged.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice ASHHURST.

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233. HENRY (a black man) was indicted for feloniouſly ſtealing, on the 22d of January, in the dwelling-houſe of Joſeph Debruges, a Bank-note, value 5l. the property of the ſaid Joſeph.

(The priſoner being a Frenchman, a Jury of half foreigners were ſworn).

The Proſecutor not being able to identify the note found upon the priſoner, the Jury found a verdict of

NOT GUILTY.

Tried by the above Jury, before Mr. COMMON SERJEANT.

MISDEMEANOR.

234. JOHN FRANKS was indicted, for that he, on the 6th of February, a piece of falſe and counterfeit money, to the likeneſs of a good ſhilling, as and for a good one, unlawfully and deceitfully did utter to one William Bartrup, knowing it to be falſe and counterfeit.

The Caſe was opened by Mr. Cullen.

WILLIAM BARTRUP *ſworn.*—*Examined by Mr. Cullen.* I am not perfect that the priſoner is the man, only he had red hair, and a red waiſtcoat.

Q. Do you remember buying any oranges in Fenchurch-ſtreet?—*A.* Yes; this day fortnight I was paſſing through Fenchurch-ſtreet, there were three men with oranges, but I dealt with only two; one of the men (one with the dark hair) aſked if I would buy any; I told him, no, I did not want any; they ſtill kept teazing me on in the ſtreet; and I aſked him, in a joke, what he would have for them all; he ſaid 4s. I told him that was too much, I did not want any; then he aſked me if I wanted a dozen.

Q. How many followed you?—A. Two men, they had both baſkets; I aſked him what he aſked for a dozen; he told me one ſhilling; I ſaid that was too dear; he aſked me what I would give for a dozen, and I told him ſixpence; he ſaid to me, my maſter, you ſhall have them.

Q. Look at the priſoner?—A. I looked at him before the Lord-Mayor, and I ſaid then, if he was not the man he was very much like him.

Court. We happen to know what you ſaid before the Lord-Mayor, you told a very different ſtory there to what you have told now; take care what you ſay.

Witneſs. I pulled out four half-crowns, three ſhillings, and a ſeven ſhilling piece; I gave the young man with the red hair one ſhilling.

Q. Look at the priſoner again?—A. It is very much like him; but it is a very dangerous piece of buſineſs.

Q. What are you afraid of if you ſpeak the truth?—A. I wiſh to ſpeak the truth; I gave him one ſhilling, and he ſaid it was a plain one, he did not like plain ones, and he gave me back one ſhilling, and I then gave him half-a-crown; he ſaid it was a French one, he returned it to me, and I gave him another, he gave me two ſhillings out of that, and then the oranges were paid for; he ſaw a ſeven ſhilling piece in my hand, he aſked me if I would let him have it, and he would give me ſeven ſhillings for it; I aſked him what made him ſo deſirous of my ſeven ſhilling piece, I told him I had plenty of ſilver, I did not want any more; he ſtill kept wanting my ſeven ſhilling piece, he held an argument with me about it, he ſaid he would be obliged to me, for he hoarded them; I then gave him the ſeven ſhilling piece, and he gave me ſeven ſhillings back; I went on to Whitechapel, to Mr. Garth's, a grocer's-ſhop; I told him I thought I had been defrauded; and he ſaid he could not tell whether they were good ones or bad ones, they were very queer ones; I ſaid, I would go back and ſee for the man; I went back to Fenchurch-ſtreet; I delivered all that money to Mr. Perrin, the conſtable, he put it up in a piece of paper, and ſealed it up.

Q. The ſhilling, the half-crowns, and the ſeven ſhilling piece, was that good money?—A. Yes; I am ſure that was all good, I brought it from my own houſe.

Q. After you had got to Whitechapel, how much bad money did you find then?—A. Nine ſhillings and a half-crown.

Q. Are you ſure you had not any bad money before you

you ſ w theſe Jews?—A. No; I am ſure I had all good money when I came from home, I had no French half-crown.

Q. Had you received any money after you left home before you met with theſe Jews?—A. No, I had received no ſilver; I had received a ſeven ſhilling piece.

Q. Did you take up one of the Jews when you returned to Fenchurch-ſtreet?—A. No.

Q. Did the conſtable take up one of them?—A. No, they were taken up afterwards.

Q. At the firſt examination there were two young men examined?—A. Yes.

Q. Was the priſoner at the bar one of thoſe men?—A. The priſoner was one that was examined before the Lord-Mayor the firſt time of examination.

Q. Be correct, and recollect yourſelf, there were two examinations on account of this charge againſt the Jews for having given you bad money?—*A.* Yes.

Q. At the firſt examination, was the priſoner at the bar one of the perſons charged?—*A.* Yes.

Q. Who were then examined?—*A.* A man with black hair and a man with red hair. *(The priſoner's hair was red).*

Q. Did you ſwear, upon that examination at the Magiſtrate's, that the priſoner was the man?—*A.* I ſaid, to the Lord-Mayor, that if that was not the man, it was a man very much like him.

Q. Are you ſure thoſe were the words?—*A.* Yes.

Q. That you mean to ſwear now, after the anſwer you gave to my Lord-Mayor, at the Manſion-houſe?—*A.* Yes.

Q. Did you or not, upon that occaſion, ſwear that the priſoner was the man whom you charged with having given you the bad money?—*A.* Yes, I did.

Q. Was your information taken in writing?—*A.* Yes.

Q. Did you ſign it?—*A.* Yes, with my croſs; the Lord-Mayor's clerk read it over to me before I ſigned it.

Q. Have you ſeen either of the other two Jews ſince that time?—*A.* No, not to my knowledge.

Q. Has any body been with you ſince that examination, to talk to you about this charge that you have made?—*A.* Yes.

Q. Tell my Lord, and the Jury, what paſſed between you and theſe perſons?—

Mr. Knapp. I object to that queſtion.

Court. You muſt connect them, certainly.

Croſs-examined by Mr. Knapp. Q. I underſtand that you believe this to be the man, but whether it was or not, you do not mean to ſwear to him?—*A.* No other way than I have ſworn.

Q. Can you ſafely ſwear that the priſoner was the man?—*A.* It is a heavy thing to ſwear.

Q. Will you take upon yourſelf to ſwear that the priſoner is the man?—*A.* To the beſt of my knowledge, I am not acquainted with this buſineſs.

Q. Was this dark man taken up before the Lord-Mayor?—*A.* Yes.

Q. He was diſcharged?—*A.* The Lord-Mayor aſked me if I knew any thing about him; I ſaid, I did not.

Q. That man was the man that you had all the converſation with in the ſtreet?—*A.* Yes, dealing for oranges.

Q. That muſt have taken up ſome time?—*A.* Yes, I ſuppoſe five minutes.

Q. And yet that man you would not ſwear to?—*A.* I did not look that man in the face.

Q. The money that you brought from home, when did you receive it?—*A.* From my wife that morning.

Q. How much ſilver had you in the houſe?—*A.* I do not know.

Q. You never had the ill luck to get a bad ſhilling into your poſſeſſion before?—*A.* Yes, I have.

Q. Where do you live?—*A.* At Loughton, near Woodford, in Eſſex.

Q. Do you attend Woodford-market?—*A.* No.

Q. The money that you received from the man with the red hair, you ſhewed to the grocer, and he could not tell whether they were good or not?—*A.* He ſaid they were very queer, they certainly muſt be bad, but he could not ſee any braſs.

LUCY CASEY *ſworn.—Examined by Mr. Cullen.* I know the priſoner: This day fortnight I ſaw him with two men in Fenchurch-ſtreet; I ſaw Bartrup with them, the countryman, and I ſaid to him in a joke, you have been dealing with the Jews; there were the priſoner and two other Jews, I know all of them by ſight perfectly well; I ſaw the countryman come under the gate with one or two of the Jews, I cannot ſay which, I did not ſee any thing that paſſed between them.

Q. Was the priſoner at the bar one of them?—*A.* Yes, that I am clear of, he was one of the three.

Q. Did you obſerve the complexion of the other perſons?—*A.* Yes.

Q. Had they black or red hair?—*A.* One was very black; this man is not ſo red as they repreſented to me, before I ſaw him; I ſaw the Jews ſtanding together a good while after the countryman was gone, it might be a quarter of an hour; I ſaw the countryman when he returned.

Croſs-examined by Mr. Knapp.—Q. You heard no converſation, and ſaw nothing particular paſs between the countryman and the Jews?—*A.* No.

Q. They were ſelling fruit about the ſtreets?—*A.* Yes.

Q. And you ſell fruit about the ſtreets?—*A.* Yes.

Q. And you ſell oranges?—*A.* Yes.

Mr. Cullen. Q. Do you carry fruit about the ſtreets, or do you ſtand in one place?—*A.* I ſtand in one place.

Court. Q. How far do you ſtand from this gateway? *A.* About 20 yards, the gateway is No. 28, and I ſtand between No. 32 and 33; when the Jews paſſed me, I told them they had been in a good thing, and one of them pulled out a handful of ſilver, and a halfpenny amongſt it, he aſked me for a halfpenny-worth of apples, which I gave him, and he went away.

THOMAS PERRIN *ſworn.*—I am a conſtable: On Tueſday the 6th of February, Bartrup and Caſey came to my houſe, and Bartrup told me he had been taken-in by ſome Jews; I deſired him to ſeal the money up; he ſaid he knew the parties; I told him, if he would appoint any day, I would meet him; he ſealed the money up, and left it in my poſſeſſion, I have kept it ever ſince. *(Produces it).*

Q. In conſequence of Bartrup's application to you, did you apprehend any body?—*A.* I apprended Paris.

Q. Were you preſent with Samſon when the priſoner was taken?—*A.* I was.

Croſs-

Croſs-examined by Mr. Knapp. Q. The priſoner was at the Manſion-Houſe?—*A.* He was.

Q. Were you preſent when the priſoner was ſearched?—*A.* Yes, he had a ſixpence about him, which appeared to be a good one, and I gave it him again.

GEORGE SAMSON *ſworn.*—I am a conſtable: I apprehended the priſoner at the bar, when Paris was taken into cuſtody, by Paris's information I apprehended the priſoner.

Mr. PARKER *ſworn.*—I am a gun-maker; I am uſed to the ſilver buſineſs; there are eight counterfeit ſhillings and an half-crown.

Mr. Knapp addreſſed the Jury on the part of the priſoner.

GUILTY (Aged 26.)

Confined ſix months in Newgate, and find ſureties for his good behaviour for ſix months longer.

Tried by the London Jury, before Mr. Baron THOMPSON.

The SESSIONS *being ended, the* COURT *proceeded to* GIVE JUDGMENT *as follows:*

Received ſentence of Death—6.

William Graves, George Bowers, Thomas Hunter,
Charles Frewin, Hezekiah Swaine, Peter Dekclerk.

Tranſported for fourteen years—1.

John Archer.

Tranſported for ſeven years—10.

Thomas Radford, Francis Chevalier, William Watſon,
Thomas Williams, Henry Griffiths, John Hayward,
James Ayres, Robert Young, Sarah Turner.
William Sibley,

Confined twelve months in the Houſe of Correction, and fined 1s.—2.

Mary Ironmonger, Daniel Carty.

Confined ſix months in the Houſe of Correction, and privately whipped—2.

Ann Fuller, Catherine Hughes.

Confined twelve months in the Houſe of Correction, privately whipped—1.

Ann Baylis.

Confined ſix months in the Houſe of Correction, and publicly whipped.—1.

James Fretter.

Confined ſix months in Houſe of Correction and fined 1s.—8.

Elizabeth Green, John Lloyd, William Catling,
Francis Fudge, William Chantler, William Ingram.
Thomas-Brown Thurgood, John Woodey,

Publicly whipped, and diſcharged—4.

Orlando Callendar, Philip Bramley, Thomas Beſt, Thomas Whitney.

Privately whipped and diſcharged—1.——Charles Collins.

Confined ſix months in Newgate, and find ſuretics for ſix months longer.—1.——John Franks.

Confined one month in Newgate, and publicly whipped.—1.——John Higgins.

Confined one week in Newgate.—1.——Thomas Lee.

Judgment reſpited.—3.

James Ritchie, John Upton, Bernard Huet.

The Seſſions were adjourned till Wedneſday, April 18, 1798.

INDEX.

The Figures refer to the Page.

Ayres James — — 193
Auſtin James — — 264
Archer John — — 234

Bowman William — — 197
Bickeridge Richard — — 190
Beale Thomas — — 190
Bowers George — — 206
Bramley Philip — — 206
Beſt Thomas — — 209
Bayliſs Ann — — 231

Callandar Orlando — — 213
Chantler William — — 196
Chevalier Francis — — 197
Chandler James — — 198
Catling William — — 202
Carter Joſeph — — 175
Carty Daniel — — 192
Champneſs William — — 226
Collins Charles — — 228
Creece Edward — — 257

Dekclerk Peter — — 213
Diſney John — — 257
Davis John — — 246

Eaton William — — 206
Eady Thomas — — 185

Field James — — 173
Fudge Francis — — 194
Fuller Ann — — 213
Frewin Charles — — 206
Fretter James — — 229
Farrington Joſeph — — 211
Franks John — — 269
Fenton Robert — — 251
Follett John — — 257

Graves William — — 173
Griffiths Henry — — 201
Ganley Ann — — 251
Green Elizabeth — — 237

Hughes Catherine — — 199
Hammond Sarah — — 188
Hands John — — 188
Huet Bernard — — 265
Hayward John — — 210
Higgins John — — 239
Holderneſs Thomas — — 244
Hunter Thomas — — 239

Henry — — — 269
Hitchin William — — 259
—— Elizabeth — — 259

Ironmonger Mary — — 191, 192
Jones Mary — — 192
Jenkins Mary — — 204
Ingram William — — 225
Johnſon Mary — — 173

Lang Elizabeth — — 173
Lloyd John — — 195
Lovell Edmund — — 178
Long Mary — — 187
Lowe Jane — — 223
Lee Thomas — — 226

Morris Margaret — — 204

North John — — 237

Parſons Ann — — 173
Peatty William — — 175
Phillips Catherine — — 206
Penny Joſeph — — 232, 233
Preſtidge Sarah — — 238

Ritchie James — — 232, 233
Radford John — — 222

Sibly William — — 193
Sutliff Martha — — 187
Sheppard William — — 200
Shannon Mary — — 200
Smith Thomas — — 224
Swaine Hezekiah — — 244
Saunders William — — 226

Thurgood Thomas-Brown — 195
Thomas James — — 189
Turner Sarah — — 230

Upton John — — 226

Wilkinſon Roſanna — — 199
Woodey John — — 202
Williams John — — 203
Whitaker Sarah — — 188
Watſon William — — 194
Williams Thomas — — 222
Whitney Thomas — — 224
Walker Charles — — 225
Warren James — — 246

Young John — — 203
—— Robert — — 204

End of the Third Seſſion.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery

FOR THE

CITY OF LONDON,

AND ALSO,

The Gaol Delivery

FOR THE

COUNTY OF MIDDLESEX,

HELD AT

JUSTICE-HALL, IN THE OLD-BAILEY,

On WEDNESDAY the 18th of APRIL, 1798, and the following Days,

BEING THE FOURTH SESSION IN THE MAYORALTY OF

The Right Honourable JOHN WILLIAM ANDERSON, Esq.

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

WILLIAM RAMSEY,

AND

Publiſhed by Authority.

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1798.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery

FOR THE

CITY OF LONDON, &c.

BEFORE JOHN WILLIAM ANDERSON, Eſq. LORD MAYOR of the CITY of LONDON; the Right Honourable LLOYD LORD KENYON, Lord Chief Juſtice of His Majeſty's Court of King's-Bench; Sir BEAUMONT HOTHAM, Knight, one of the Barons of His Majeſty's Court of Exchequer; Sir FRANCIS BULLER, Bart, one of the Juſtices of His Majeſty's Court of Common Pleas; Sir JOHN WILLIAM ROSE, Knight, Serjeant at Law, Recorder of the ſaid City; JOHN SILVESTER, Eſq. Common-Serjeant at Law of the ſaid City; and others, His Majeſty's Juſtices of Oyer and Terminer of the CITY of LONDON, and Juſtices of Gaol Delivery of NEWGATE, holden for the ſaid City and County of MIDDLESEX.

London Jury.	*Firſt Middleſex Jury.*	*Second Middleſex Jury.*
Thomas Bailey,	Thomas Hollis,	John Gomme,
George Yeoman,	Joſeph Forſyth,	Ephraim White,
Bryant Cockerill,	Hugh Lawrence,	Benjamin Carpenter,
John Cracklow,	William Salter,	James Miller,
Clement Jackſon,	Phillip Davies,	Abraham Chittle,
James Roberts,	Richard Howell,	Thomas Saunders,
John Miller,	Timothy Virtue,	Benjamin Chinn,
Peter Caron,	James South,	John Brown,
John Maud,	Robert Weſt,	Joſhua Bagnall,
William Linden,	Edmund Nourſe,	Stephen Munday,
John Phillips,	Samuel Richardſon,	William Finch,
George Edwards.	William Roberts.	John Griffin.

235. ELIZABETH BROWN was indicted for forging and counterfeiting a Bank of England note, for the ſum of 2l. with intention to defraud the Governor and Company of the Bank of England.

Second Count. For a like offence, with intention to defraud Henry Lee.

Third Count. For feloniouſly diſpoſing of, and putting away the ſaid note, as and for a good note, knowing it to be forged, with intention to defraud the Governor and Company of the Bank of England.

And Eight other *Counts* for the like offences, varying the manner of charging them.

(The indictment was opened by Mr. Giles, and the caſe by Mr. Garrow.)

ELIZABETH LEE *ſworn.*—My huſband keeps a ſilverſmith's-ſhop in Shoreditch: On the 28th of February laſt, the priſoner came into the ſhop to buy a pair of ſilver table-ſpoons, I ſold her them for twenty-ſix ſhillings and three-pence; ſhe gave me a two pound note, and I was going to give her change, my brother Phillips was in the ſhop, and he ſpoke to me in Dutch, and ſaid, he believed it was not a good one, he would go out with it, and as he went out the priſoner was going away; I told her to ſtop till my brother came back; Phillips was not many ſteps from the houſe, he came back, ſaw the priſoner going away, and he deſired her to walk in and ſit down, he then took hold of the priſoner, and took her into the parlour. I then ſent for Mr. Lee from the Rainbow Coffee-houſe; Mr. Lee's hair-dreſſer was there, his name is Pearſon, and I left him with her while I went into the ſhop, then Mr. Lee came home; Phillips returned me the note again, and I gave it to Mr. Lee. I ſent for an officer, and the note was given to him; I wrote my name upon it in Dutch, and the officer put his name upon it. The officer and Mr. Lee took her to Mr. Winter's from my houſe.

Q. Look at that note; is that your name in Dutch?—*A.* It is; that is the note that the priſoner gave to me.

Q. How long had you been from the parlour?—*A.* About ten minutes.

Priſoner. Q. Did I attempt to run away?—*A.* She had juſt got off the ſtep of the door; I thought ſhe was going away, and I took hold of her by the arm.

SAMUEL PHILLIPS *ſworn.—Examined by Mr. Knowlys.* I was in Mr. Lee's ſhop when the priſoner came in for a pair of ſpoons, ſhe agreed to have a pair at twenty-ſix ſhillings and three-pence; ſhe put her hand in her pocket and took out a two pound note, Mrs. Lee took her pocket-book out to give her change; I ſaid to Mrs. Lee, in Dutch, let me look at the note; I looked at it, and ſaid, I believe the note to be a bad one. I went out with intention to go to a neighbour's to compare it with another two pound note; before I had got two yards from the door I ſaw the priſoner coming out at the ſhop-door, I turned back, and deſired her to walk in, I went backwards with her into the parlour; ſhe ſaid, if I did not like the note ſhe would give me another, I believe there was a hair-dreſſer preſent. Mrs. Lee told me to fetch an officer, I went, and the officer came; Mr. Lee was ſent for from the coffee-houſe; Mrs. Lee put her ſignature upon the note, and the officer did the ſame, and he went with her to Mr. Winter.

Q. Look at that note, and tell us if that is the note that was preſented by the priſoner?—*A.* Yes, this is the note.

Court. Q. Did you mark that alſo?—*A.* Yes; my name is on it.

Croſs-examined by Mr. Conſt. Q. She offered to give you another?—*A.* Yes.

Q. That was upon your going out to change it?—*A.* Yes.

Q. Nothing more paſſed than that ſhe would change it if you did not like it?—*A.* Nothing elſe.

JAMES PEARSON *ſworn.—Examined by Mr. Giles.* I went to Mr. Lee's to ſhave him, the priſoner was in the parlour, ſhe roſe up from the chair and took a parcel of papers from her pocket, there appeared to be about three or four ſmall parcels.

Q. What were the ſize of the papers; had you an opportunity of knowing what it was like?—*A.* No; I ſaid, what, you are burning of them; and ſhe ſaid, no.

Q. Did ſhe in fact burn that paper?—*A.* She burned it.

Croſs-examined by Mr. Conſt. Q. You could not tell what that paper was?—*A.* No.

Court. Q. Did you make no attempt to reſcue it?—*A.* No; the fire was a large one, and it was conſumed in a minute; it ſeemed to me to be thin paper.

NATHANIEL LOARING *ſworn.*—I am clerk to Mr. Winter, ſolicitor of the Bank: I was preſent when ſhe gave an account of the tranſaction; ſhe was aſked where ſhe got the note; I underſtood her ſhe had it from Dighton, in Shoe-lane.

Mr.

Mr. Conſt. Q. Was it taken in writing?—*A.* It was not. There was a former examination taken in writing by Mr. Winter.

Mr. Garrow. Q. Did you hear the name of Steel?—*A.* Yes; ſhe ſaid ſhe had it from Steel; I do not know which of the two names ſhe mentioned firſt; ſhe ſaid Steel kept a public-houſe in Whitechapel; Steel was ſent for, I was there when he came.

Q. Was he informed, in the preſence of the priſoner, that ſhe had ſtated herſelf to have received the note from him?—*A.* He was. He ſaid he never gave her a note in all his life; that ſhe had had money of him, but did not recollect that he had ever given her a note. Then ſhe immediately ſaid it was from Dighton, in a court in Shoe-lane.

Q. What did ſhe ſay her name was?—*A.* Brown.

Q. Did ſhe ſtate in your preſence where ſhe lived?—*A.* Yes; ſhe ſaid ſhe lived at No. 23, Paradiſe-row, Iſlington.

Q. Did you hear her ſay any thing about her living at Steel's?—*A.* No; I went firſt to Dighton's with the officer, and after that I went to the priſoner's houſe.

Q. You did not find any thing that relates to the ſubject of Bank-notes?—*A.* I found a good Bank-note, which was an exact copy of the other, except the laſt figure in the number; that good note is not here.

Croſs-examined by Mr. Conſt. Q. In point of fact, there was an examination taken writing?—*A.* There was only the leading features of her ſtory taken by Mr. Winter, for the purpoſe of getting any other information; there was part taken in writing and part not.

Q. And you do not perfectly recollect the name ſhe uſed?—*A.* She ſaid ſhe had them of Dighton; ſhe was aſked how many; ſhe ſaid, ſix, then twelve, and afterwards one hundred; ſhe ſaid Dighton gave her them unfilled up, ſhe got them filled up, and was to put them off, and was to have a certain ſhare of the profit; ſhe was not aſked what ſhare.

Q. Did not you conclude the woman was out of her ſenſes at the time?—*A.* No; I certainly did not.

Q. After this, ſhe carried you to Steel's?—*A.* Yes.

Q. And he ſaid, ſhe had had money of him, but no notes?—*A.* Yes.

Q. And you did not hear her ſay that ſhe lodged at Steel's?—*A.* No.

Mr. WINTER *ſworn.—Examined by Mr. Garrow.*

Q. Upon this perſon being taken into cuſtody, was ſhe brought to your office?—*A.* She was.

Q. Have you, in your hand, the original minutes you made of what ſhe ſtated to you upon this ſubject?—*A.* I have.

Q. Did you enquire of her what her name was, and what anſwer did ſhe make?—*A.* She ſaid her name was Elizabeth Brown, and that ſhe lived at the houſe of Mr. Steel, the ſign of the Cock, in Whitechapel; ſhe ſtated herſelf to be the wife of Benjamin Brown, of a place called Broom, near Wolverhampton, in Staffordſhire; that ſhe had four children; two at Steel's, in Whitechapel, and two in America. She ſtated that ſhe had been at Steel's for ſix or ſeven months paſt, and that ſhe worked for Steel, who had a wife and one child, for which ſhe received her board and clothes; that ſhe had done needle-work for the family, but could not recollect what part of the family. She ſtated that Steel had kept the Cock two years; that ſhe had received a two pound note from Steel about a week ago; that Steel had taken the Horſe and Groom public-houſe from her huſband, in St. Martin's-lane; he was to give two hundred pounds. She admitted that ſhe had gone into the ſhop to purchaſe ſpoons. I queſtioned her how ſhe had been employed for ſeveral days previous to the 28th. She ſtated, that, on the 27th, ſhe had not been out of Steel's houſe the whole day; that ſhe had been employed in nurſing the child, and needle-work. That, on the preceding day, the 26th, ſhe did nothing material, but made the beds; but was not out. On the 25th, ſhe could not tell what ſhe was about; that ſhe was reading, but not out on that day. On the 24th, was cleaning the houſe. On the 23d, could not tell what ſhe was about, but was not out. In ſhort, that ſhe had not been out of Steel's houſe all the week; that ſhe had received the note in queſtion with ſeveral other notes, ſix I believe, then twelve, afterwards eighteen, and I believe at laſt, one hundred, from Dighton, in Shoe-lane, who ſhe ſuppoſed had manufactured them; that they were not filled up; but a circumſtance occurred, her ſon being in her preſence; he was an apprentice to an engraver. Her own ſon ſtated, that ſhe had aſked him to fill up thoſe blanks, and ſhe would give him a ſhilling a piece to fill them up; and the boy ſaid, he would ſooner ſuffer death. He ſaid, ſhe had told him ſhe had received theſe notes from Dighton, and that ſhe was to ſhare in the produce of them. To all which ſhe aſſented.

——— STEEL *ſworn.—Examined by Mr. Knowlys.* I keep the Cock, in Whitechapel: I have known the priſoner eight or nine years; ſhe has never lodged with me ſince I have been in Whitechapel, which is near two years.

Q. At any time lately, did you pay her a two-pound note?—*A.* I have paid her money ſeveral times,

times, and a one pound note, but I do not know that I ever gave her a two pound note. They have had money come out of the country into my hands, and it was always remitted to me.

Q. Has ſhe been nurſing your children, or working for you lately?--*A.* Not more than three or four times in the year.

Q. Was that juſtbefore ſhe was taken up?—*A.* I do not remember.

Q. Do you remember being ſent for to the Bank?—*A.* Yes.

Q. Was ſhe at your houſe for three days before that?—*A.* No.

Mr. Conſt. Q. You cannot ſay whether you remitted her a two pound note or not?—*A.* I cannot.

THOMAS BLISS *ſworn.—Examined by Mr. Giles.* I am an inſpector of Bank-notes.

Q. Look at that note, and ſee if it is a genuine Bank-note?—*A.* It does not admit of any doubt of its being a forged note.

——— FIELD *ſworn.—Examined by Mr. Giles.* I am a caſhier of the Bank, for notes under five pounds.

Q. Is the name of Field, ſubſcribed to that note, your writing?—*A.* It is not.

Q. Is their any other caſhier of the name of Field, who ſigns notes?—*A.* No.

(The note read).

TWO.

Bank. No. C 5037. No. C 5037.
I promiſe to pay to Mr. Abraham Newland, or bearer, on demand, the ſum of Two Pounds.
London, 12th day of February, 1798. For the Governor and Company of the Bank of England.
£. Two. J. Field.
Entered, W. Wade.

The priſoner did not ſay any thing in her defence, but called Daniel Ingram, a dealer in coals in Bream's-buildings, who had known her from 1793, and gave her an excellent character.

GUILTY **Death.** (Aged 44.)

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

---

236. WILLIAM STINSON was indicted for that he, on the 3d of March, a piece of falſe money to the likeneſs of a ſixpence, falſely and deceitfully, feloniouſly and traitorouſly, did forge and coin, againſt the duty of his allegiance, and againſt the form of the ſtatute.

Second Count. For traitorouſly forging and counterfeiting a ſhilling.

Third Count. For traitorouſly forging and counterfeiting a half crown.

The indictment was ſtated by Mr. Ward, and the caſe by Mr. Fielding.

JOHN SAYERS *ſworn.—Examined by Mr. Fielding.* I went, on the 3d of March, to Newgate, along with Mr. Winter, the ſolicitor of the Bank, to ſearch a man of the name of Welchman. After ſearching Welchman, while Mr. Winter was in Mr. Kirby's apartments, Stinſon was brought into the room; I immediately aſked him what he had got about him; I ſearched him, and out of one pocket I took this parcel of round blanks of braſs, and Townſend, at the ſame time, took theſe ſilver plates out of the other pocket; I then returned the ſilver and the parcel of braſs upon the table, and Stinſon put it into his pocket again.

JOHN TOWNSEND *ſworn.—Examined by Mr. Fielding.* On Saturday, the 3d of March, I went, in company with Sayers and Mr. Winter, to Newgate, to ſearch the apartments of Welchman there; in the mean time the priſoner at the bar was brought in by Mr. Kirby and Pitt into the front-parlour to us; he was ſearched in my preſence, and the things, which Sayers has produced, were taken from him and were given to him again. We took the priſoner, in company with Mrs. Welchman, in a coach, to Bow-ſtreet; we left Mrs. Welchman in cuſtody, and then proceeded to the priſoner, Stinſon's houſe, at Sommers-Town; we did not know where Stinſon lived, but he took us there himſelf. When we came there, we went in with the priſoner, he opened a parlour door, where there was kept as a ſhop, a quantity of ſtockings and hoſiery; then I aſked him for the keys of the bureaus, which he gave me; I then opened the bureau drawers, and proceeded to ſearch; and in the front parlour, the articles I ſhall now produce, I found in the various drawers of that bureau, which keys the priſoner gave to me. *(Produces a large quantity of ſixpences and ſhillings, ſome in a ſtate of perfection, and others in all ſtages).*

Court. Q. Are ſome of them ſo perfect as to be fit for circulation?—*A.* There are a great quantity of them finiſhed. We then proceeded to ſearch the bureau in the back room, where, alſo, the drawers were full of money finiſhed and unfiniſhed.

Croſs-examined by Mr. Knapp. Q. In what ſtate were the priſoner's hands, were they clean?—*A.* I really did not look.

Q. He was not in a working dreſs, but was clean?—*A.* Certainly.

PATRICK MACMANUS *ſworn.—Examined by Mr. Fielding.* I went down into the kitchen firſt; I afterwards went up ſtairs, and found the door of the two pair of ſtairs locked; I returned down to Stinſon, and aſked him for the key, and he directed me to his wife; I aſked the wife, and ſhe ſaid it had been loſt for ſome time; I told her, if you do not find the key, I muſt break the door open; ſhe ſaid, you may.

Mr.

Mr. Knapp. Q. Was he preſent at that time? —*A.* No.

Mr. Knapp. Then we muſt not hear it.—*A.* I went up ſtairs and broke the door open; but I firſt went into the kitchen, and there I ſaw a cutting-out preſs in a cheſt, and behind the cheſt I found the block, that it had uſed to be fixed in, made uſe of as a dreſſer, or ſhelf; in a place like a duſt-hole, in the kitchen, I found ſome cecil, *(produces it)*. I then went up ſtairs, and forced the door open up two pair of ſtairs, and there was a large preſs, with a ſort of a wheel that they uſe in rounding the edges of the money cloſe beſide it, both fixed to the floor, and the floor, except where theſe two articles where fixed, was covered all over with ſtraw, and hay, and litter, three or four inches deep. Then Carpmeal and Townſend, and Stinſon himſelf, gave us a hand in taking down the things, and putting them in a cart; we conveyed them to Bow-ſtreet, and they are here in the ſame ſtate in which we found them.

Croſs-examined by Mr. Conſt. Q. Do you happen to know whoſe room this was, to whom it was let? —*A.* No.

Q. You know it was let, do not you?—*A.* No.

Q. The room that was locked up, did he not ſay it had been ſhut up for ſix months?—*A.* He ſaid it had been a long time, but he directed me to Mrs. Stinſon for the key.

Q. There was a great deal of litter about, not as if it had been recently uſed?—*A.* That was to drown the noiſe of working.

THOMAS CARPMEAL *ſworn.*—I went from Bow-ſtreet with the other officers, and Stinſon, in a coach; I went with them to the two pair of ſtairs room, where there was a preſs, and a lathe, both fixed and complete; theſe two blank dies, *(producing them)*, were in the preſs, there was the fly, and every thing complete. We found theſe things, *(producing them)*, it had been uſed for caſting, and a crucible, there was ſome metal in the crucible when I found it; I found alſo ſome files, ſome ſcowering paper, a bottle of aquafortis, a bottle with ſome pickle in it, but that is dried up, the pickle is for throwing the ſilver out of the baſe metal to the top.

Q. Was there any furnace?—*A.* No; there was a fire-place in the two pair of ſtairs, with bricks and bars.

Q. Were the things that you found there, the preſs, the lathe, and all the other inſtruments, are they neceſſary to carry on the buſineſs of coining? —*A.* Quite complete in every ſtage except the dies, the dies were not found.

Q. Theſe are dies, though they have no impreſſion?—*A.* Certainly, they are blank dies.

Court. Q. Were the inſtruments that you found ſufficient to complete a piece of metal of this ſort of appearance? *(Shewing him one of the counterfeit ſhillings)*.—*A.* Yes, in every ſtage.

Croſs-examined by Mr. Knapp. Q. Are you ſufficiently converſant in theſe matters to know, of your own knowledge, that theſe things would produce that appearance; or is it only from the information of others?—*A.* From my own knowledge; from my own practice. *(Produces a large quantity of half-crowns in an unfiniſhed ſtate)*.

Mr. Conſt. (To Carpmeal.) Q. There was no appearance upon his hands of having been at work? —*A.* No; they can take it off in two minutes.

Q. As to this being his houſe, he owned that it was his houſe, except that room?—*A.* Yes.

(Mr. Nicholls, a monier of the Mint, proved the money being counterfeit).

Carpmeal. Here are ſome ſhillings found about the preſs that exactly fit the cecil.

JAMES ANDREWS *ſworn.*—The priſoner is my tenant, in a houſe at Somer's-Town, he is my only tenant.

Mr. Conſt. Q. What is he?—*A.* A hoſier.

Q. Did you ever ſee him in his buſineſs?—*A.* Yes, backwards and forwards.

Q. Did you ever ſee him dirty, as if he had been doing any thing out of his buſineſs?—*A.* No.

GUILTY Death. (Aged 45.)

Tried by the firſt Middleſex Jury, before Lord KENYON.

---

237. ELIZABETH DAVIS was indicted for feloniouſly ſtealing, on the 14th of February, two pounds of butter, value 2s. the property of William Hewitt.

(The caſe was opened by Mr. Trebeck.)

JOHN MUGGLESTON *ſworn.—Examined by Mr. Trebeck.* I live with Mr. Pink, at Turnham-green; on the 14th of February I lived with Mr. Hewitt, he is a grocer and cheeſemonger: I ſaw the priſoner on that day between ſeven and eight in the evening, I was ſerving a cuſtomer, there were two lumps of butter lying upon a plate upon the counter, and ſhe took one of them and put it into her apron; I told my maſter of it, and he ſent for a conſtable, and ſhe was taken into cuſtody; the butter was found under her cloak, ſhe did not take it out of the ſhop.

Q. Had you ſold her that butter?—*A.* No.

Q. Was that the property of your maſter, William Hewitt?—*A.* Yes.

RICHARD EDEN *ſworn.*—I am conſtable of the pariſh of Chiſwick: On the 14th of February Mr. Hewitt ſent for me, and I took the priſoner into cuſtody; I found nothing about her, the butter had been taken from her before I took her into cuſtody; and as I was proceeding to the cage ſhe was reſcued by

by her huſband and two ſons, and a great number of other perſons; it was dark, and I could not diſcover who the other perſons were, and ſhe got away from me.

Q. Are you ſure ſhe is the ſame woman?—*A.* Yes; ſhe has lived there a great number of years.

GUILTY.

Privately whipped, and diſcharged.

Tried by the firſt Middleſex Jury, before Mr. Baron HOTHAM.

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238. JOHN WILSON, ABRAHAM WILMOT, and JOHN SELBY, were indicted for feloniouſly ſtealing, on the 20th of February, two hempen ſacks, value 3s. the property of Benjamin Putriſs and William Edwards, and eight buſhels of oats, value 8s. the property of Samuel Lucas.

CHARLES MILLS *ſworn.*—I am a corn-chandler, in Princes-ſtreet, Weſtminſter: On Tueſday the 20th of February laſt, about a quarter before eight in the evening, Wilmot came to my houſe, and aſked me if I would buy a quarter of oats; I ſaid I was afraid he did not come honeſtly by them; he ſaid, yes, he did, his two comrades, or two men, or ſomething to that purpoſe, had picked them up in the ſtreet; I told him to go and bring them, and I would look at them, and ſee what they were; I waited ſome time, and they did not come; I heard that there were two men with ſacks upon their backs going down the ſtreet, I went after them, and overtook them; Wilmot was walking before them, the other two had each of them a ſack a-piece; Wilſon I can ſwear to, but Selby I cannot; they brought them to my ſhop, Wilmot came as far as the ſtep, but I believe did not come in; the other men pitched their ſacks in the ſhop, and I told them they ſhould not take them away, they ſeemed very much diſſatisfied, and wanted to take them away; the ſacks were filled with oats; I told them I thought I ſhould have it in my power to find out who they belonged to, and knowing Wilmot, I let the men go; I took a ſample to market, and, on the Friday, I found out who it belonged to; the men were taken up on the Friday night, and underwent an examination the Tueſday after; here is another perſon here, that can ſwear to Selby; I have kept the oats ever ſince, except one night that they were left at the Queen-ſquare office, ſealed up; I know them to be the ſame ſacks that were brought to me by the priſoners.

Croſs-examined by Mr. Knapp. (Counſel for Wilmot). Q. You have known Wilmot before?—*A.* Yes; two years.

Q. I believe he many years lived in the place where he lived at the time he was apprehended?—*A.* I do not know where he lived; I know where he lodged in Dartmouth-row, but I do not know where he worked; I live in Princes-ſtreet, nearly oppoſite.

Q. How many years do you think you have known him living there?—*A.* I dare ſay ten or twelve years.

Q. Then he, living oppoſite to you, was unwiſe and fooliſh enough to come and aſk you to buy theſe oats?—*A.* Directly ſo.

Q. You aſked him if they were honeſtly come by?—*A.* Yes; and he ſaid that two men, or his two comrades, had picked them up, and applied to him to ſell them for him.

Q. And you conſidered him only as the perſon to ſell them?—*A.* Yes.

Q. What time was this?—*A.* About a quarter before eight in the evening.

Q. When you did ſee them, Wilmot had no cuſtody of the things?—*A.* No; none at all.

Q. He had no oats upon him?—*A.* None at all.

Croſs-examined by Mr. Alley. Q. Wilmot ſaid he had them from the two men?—*A.* Yes.

Q. But they were not there to contradict him?—*A.* No.

Q. You let theſe three men go away?—*A.* Yes.

Q. And you found them afterwards, at their lodgings, three days afterwards?—*A.* Yes.

Q. You know the ſack was opened at the Public-office?—*A.* One was opened.

Q. You do not mean to ſwear to the oats?—*A.* No.

JOHN LISLE *ſworn.*—I am clerk to Mr. Lucas: On Tueſday night, the 20th of February, I went down to the wharf at Millbank, and being too late to get the oats out of the barge that night, I ſet Wilſon on as watch to watch the oats in the barge; it might be about a quarter before ſeven at night; I ſaw him on board the craft, and left him. On Wedneſday morning I went down, and ſaw them landed; ſome ſoldiers helped to land the oats, neither of them were the priſoners at the bar; they were all ſhot down, and the ſacks were all counted right, and taken back to Putriſs and Edwards's warehouſe, in Horſelydown; they were hired ſacks.

Q. Belonging to Benjamin Putriſs and William Edwards?—*A.* Yes; and on delivering them, there were three old ſacks found, which did not belong to them.

Q. And there were no other ſacks than their's in the barge?—*A.* No.

Q. You did not take them there yourſelf?—*A.* No; one of the ſacks is one that has been in our granaries a long time, belonging to Putriſs and Edwards.

Q. *Croſs-examined by Mr. Alley.* Q. You put Wilſon to watch?—*A.* Yes.

Q. You

Q. You generally put an honeſt man to watch? —*A.* Yes; he had watched for us ſeveral times before.

Q. The ſacks were all told right?—*A.* Yes.

Q. The oats were offered for ſale on the 20th, and on the 21ſt you found all your oats right?—*A.* Yes.

Q. Then, of courſe, theſe could not be your oats?—*A.* I cannot ſay.

Q. Now, with reſpect to the ſacks, they belonged to Putriſs and Edwards?—*A.* Yes.

Q. He lets a great number of ſacks, beſides thoſe that were in that barge?—*A.* Certainly.

Q. Therefore there was nothing wonderful in ſacks having his name being found?—*A.* Certainly not. I do not ſay the oats were right, the ſacks counted right.

Court. Q. On the 21ſt, you do not know whether the oats were right or not?—*A.* The oats were not meaſured; the ſacks counted right when they were ſhot.

Court. Q. Did you examine the ſacks, to ſee if they were right, or was it only the number that you counted?—*A.* We only counted the number.

GEORGE HAWKINS *ſworn.*—I am a ſadler: On the evening of Tueſday the 20th of February, as I was going out, I ſaw two men under my next door neighbour's window, and in a few minutes after; I ſaw two men bring two ſacks into Mr. Mills's ſhop, between ſeven and eight o'clock in the evening; I can ſpeak to the priſoner Selby being one of the men that brought the ſacks into Mr. Mills's ſhop.

Croſs-examined by Mr. Alley. Q. This was between ſeven and eight in the evening in February? —*A.* Yes.

Q. It was pretty dark at that time?—*A.* Yes.

Q. There was no occaſion to take particular notice of any perſon that was paſſing?—*A.* I did not take particular notice. I mean to ſwear that Selby is one of the men.

Q. You were not in Mills's ſhop?—*A.* Yes, I was, when they brought the oats in.

Q. What ſort of dreſs had he on?—*A.* I cannot tell; he had on a kind of ſmock-frock when he was in Mr. Mills's ſhop.

JOHN GREY *ſworn.*—I am a lighterman: I took two hundred and fifty-four ſacks of oats, and twenty ſacks of barley, to Mr. Lucas's wharf, at Weſtminſter; on Tueſday the 20th of February, about four o'clock, I walked up to Mr. Lucas's, to acquaint him that I had brought them there; I waited, and Mr. Liſle came, and ſaid he would get a watchman, and I went about my buſineſs; I ſaw him bring a man to watch, but who he was I do not know.

ISRAEL BERRIDGE *ſworn.*—I am a lighterman: When the ſacks were diſcharged, on the 24th, theſe two ſacks were found amongſt them, inſtead of the two that are miſſing, *(producing them)*, that is all I know of it.

Croſs examined by Mr. Alley. Q. You ſay theſe two were left in the room of two others?—*A.* Yes.

Q. Were you on board the barge when they were firſt taken in?—*A.* No.

Q. Then you do not know whether theſe two were in the barge at the time the others were in, or whether they were put in afterwards?—*A.* I ſay theſe two ſacks came in the room of Putriſs and Edwards's.

Q. Then theſe two ſacks muſt have been at firſt put into the barge, for any thing you know? —*A.* They might.

WILLIAM MESSENGER *ſworn.*—I am an officer belonging to the Police-office, Queen-ſquare, Weſtminſter: I apprehended the priſoners on the 23d of February, Wilmot and Wilſon in Dartmouth-row, and the other in Millbank-ſtreet, Weſtminſter; I had the ſacks of oats from Mr. Mills; it was ſealed up, and returned to him in the ſame ſtate.

Mr. Knapp. Q. You apprehended Wilmot in his lodgings, did not you?—*A.* Yes.

Mr. Alley. Q. And you apprehended the other two at their quarters?—*A.* Yes.

WILLIAM BOWYER *ſworn.*—I am a Police-officer belonging to Queen-ſquare: I apprehended Wilſon and Wilmot in Dartmouth-row; that is all I know of it.

Q. *(To Liſle).* Look at the ſacks?—*A.* Theſe ſacks are marked exactly the ſame as the other ſacks that were in the barge, belonging to Meſſrs. Putriſs and Edwards.

Mr. Knapp. Q. I believe there is no more common thing amongſt lightermen, than that of lending ſacks to each other?—*A.* I do not know that there is; the ſack warehouſes lend them out.

Q. And any other perſon, having ſacks from the ſame warehouſe, they would have the ſame marks?—*A.* They might.

Mr. Alley. As to theſe ſacks, they are charged to be the property of Meſſrs. Putriſs and Edwards, can you tell me who are the partners in the houſe of Putriſs and Edwards?—*A.* I cannot ſay any more.

Q. There may be more partners in the houſe for any thing you know?—*A.* I cannot ſay.

Q. You will not ſwear to the oats?—*A.* No.

Q. If you had chanced to loſe any of theſe ſacks, you would have been anſwerable to Putriſs and Edwards for them?—*A.* Yes.

Q. Have you any body here from Putriſs and Edwards's?—*A.* No.

Mr. Knapp objected, that there being that which it

was

was indiſpenſably neceſſary the proſecutor ſhould prove, was not proved, and therefore ſubmitted that it ought not to go to the Jury, upon the ground that the property was not ſufficiently identified.

Mr. Alley. I apprehend, my Lord, that in all caſes, it is neceſſary that where property is charged to lie in A, B, or C, there muſt be ſubſtantial proof that the property is properly ſo laid. Has it ever been heard, that when a perſon comes into Court, and ſays, we cannot ſay whether it belongs to A, B, or C, that that is ſufficient to convict the priſoner, and it is not a ſort of proof which cannot be got at. My Lord, there is another objection: This indictment charges the property to be in Putriſs and Company, that is very unneceſſary, becauſe the regular, ſhort, and clear way, would have been to have laid it to be in the lighterman, but here it is laid to be in Putriſs and Company; and it appears in evidence, that the maſter of the witneſs hires the ſacks of Putriſs and Company, why is it not laid to be the property of Burgeſs and Company, the lightermen; for they are reſponſible for the loſs for every ſack that was deficient upon examination; upon the return of the ſacks, they were to pay whatever was deficient. In conſequence of the loſs of ſacks, it ought to have been ſtated to be the property of Burgeſs and Company, and not as the property of Putriſs and Edwards, when there is nothing to ſhew that it was ſo; and, with reſpect to the oats, the man ſays he cannot ſwear to them.

Mr. Knapp. There is another obſervation, which I forgot to ſtate to your Lordſhip: That it is neceſſary to prove the Chriſtian names of Putriſs and Edwards.

Court. I have no doubt at all that this is a caſe to go to a Jury. The firſt objection is, that there is no proof of identity; one of the witneſſes certainly did ſtate the names of both thoſe parties.

Mr. Knapp. I beg your Lordſhip's pardon.

Court. I have ſo taken it.

Q. (To Liſle.) Did not you give in the names of the houſe of Putriſs and Edwards?—*A.* Yes; I ſaid, Benjamin Putriſs and William Edwards. The ſacks were marked B. P. and W. E.

Mr. Knapp. Q. Do you mean to ſwear that B. P. does not ſtand for Bartholomew Pope?—*A.* No.

Court. The property of theſe ſacks may be decided by the marks upon them, which contain that property, and if the Jury are of opinion that the oats in that ſack are the oats of Mr. Lucas, whether the ſacks are ſufficiently proved or not, there is a caſe to go to the Jury.

The priſoner, Wilmot, called two, and Wilſon, three witneſſes, who gave them a good character.

All Three NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. RECORDER.

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239. PATRICK READING and THOMAS FORD were indicted for breaking and entering the dwelling-houſe of Robert Aſhmore, about the hour of one in the night of the 9th of March, with intent the goods, of the ſaid Robert, therein being, to ſteal, take, and carry away, and burglariouſly ſtealing two ſilver table ſpoons, value 30s. twelve ſilver tea-ſpoons, value 40s. a pair of ſilver tea-tongs, value 10s, a ſilver pint mug, value 40s. a pair of ſilver ſhoe-buckles, value 16s. ſeven metal candleſticks, value 20s. a copper tea-kettle, value 4s. and a looking-glaſs with a wooden frame, value 8s. the property of the ſaid Robert.

ROBERT ASHMORE *ſworn.*—I keep a houſe, No. 27, in Old-ſtreet: My houſe was broke open on the 10th of March, in the morning; I was the laſt perſon up the night before, I faſtened the doors, and bolted them; I went to bed about nine o'clock, I uſually go to bed about that time; about half after one in the morning, my wife called me up, and ſaid, the houſe was full of watchmen; I got up, and found the grooves, that the ſhutters went into, broke, and the ſhutter forced out. I miſſed a dreſſing-glaſs out of the ſhop, and the parlour behind was ſtripped entirely; I miſſed three pair of braſs candleſticks, and one odd one, a ſilver pint mug, a half pint mug, a milk-pot, two table-ſpoons, a dozen of tea-ſpoons, tea-tongs, and a pair of ſilver ſhoe-buckles.

Q. Did you find any of your property afterwards?—*A.* The conſtable has found the things that will be produced.

JOHN GASS *ſworn.*—I am a conſtable; I and Peach apprehended the priſoners on the 10th of March, at the Crown in Twiſter's-alley, Bunhill-row: I ſearched them, but found nothing upon them. I was upon duty that night, and I and the watchman gave the alarm to the family that the houſe was broke open, that was about half after one, I found the ſhutters broke in two, and the door open; and from the information of the lamp-lighter I went after the priſoners.

JOHN SHEFFIELD *ſworn.*—I am a lamp-lighter: In the morning of the 10th of March, between one and two o'clock, I was lighting the lamps juſt by Mr. Aſhmore's houſe, and while I was ſtanding upon my ladder, I heard ſome people talking, I could ſee by my light that there were three men; when I went to the next lamp, I ſaw two of them croſs the way to Ironmonger-row, which was nearly facing; the man that was behind, turned up a

court,

court, that was the priſoner Ford, I ſaw him ſtoop down as though he was eaſing himſelf; I went on about my buſineſs, and as I came home again, I ſaw three men in Ironmonger-row, I ſaw that they were the ſame men, and then I obſerved that the priſoner, Reading, was another of them; the other I do not know any thing about. The next morning, between eight and nine, I informed Gaſs, the conſtable of it.

Q. Did you ſee them go into any houſe?—*A.* No.

Q. Did you ſee them do any thing to Aſhmore's houſe?—*A.* No.

Q. *(To Gaſs.)* In conſequence of this information, did you make any ſearch?—*A.* Yes; I went to that court, but it has no thoroughfare, there are a few houſes in it, but they are moſtly empty, it is called Well-and-bucket-court; there is a ſmall gate-way going in that you can touch the ceiling with your hand, and there I ſaw two braſs candleſticks ſticking out from the lath and plaiſter, and behind the door of the firſt houſe in the court I found a copper tea-kettle; it was an empty houſe.

Q. Was the ſilver plate ever found?—*A.* No, not at all. I went with Peach to apprehend them, and when they were hand-cuffed together, one ſaid to the other, "d—n you, don't ſplit", that was Reading.

THOMAS WESTON *ſworn.*—I am a patrol: between one and two o'clock, I was going my rounds, I ſaw the priſoner, Ford, with two other men, ſtanding about twenty yards from the houſe, I cannot ſwear to the other; they were all ſtanding and talking together.

BENJAMIN CASE *ſworn.*—I am a watchman: I was coming round, and found the houſe broke open, I did not ſee the priſoners at all.

Both NOT GUILTY.

Tried by the firſt Middleſex Jury, before Lord KENYON.

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240. AARON BAKER was indicted for feloniouſly ſtealing, on the 25th of October, ninety pounds weight of raw ſugar, value 30s. the property of Robert Milligan and David Mitchell, in the ſhip called the Buſhey Park, upon the navigable River Thames.

Second Count. Laying it to be the property of Roderick Morriſon.

Third Count. Laying it to be the property of certain perſons unknown.

(The indictment ſtated by Mr. Jackſon, and the caſe by Mr. Fielding.)

JOHN BRAMHAM *ſworn.—Examined by Mr. Knowlys.* I am a waterman; I know the priſoner perfectly well; he is a waterman belonging to the Cuſtom-houſe.

Q. Did you know the Buſhey Park?—*A.* Yes; ſhe laid off Wapping New-ſtairs, on the 25th or 26th of October, on the Middleſex ſide of the water; ſhe was diſcharging ſugar at that time; in the morning, about nine o'clock, I was ſtanding upon the cauſeway at Wapping New-ſtairs, and I ſaw him bring ten lumpers on board his wherry, each of them loaded with ſugar, from the Buſhy Park.

Q. Is it permitted the Cuſtom-houſe watermen to carry lumpers?—*A.* It is not, under pain of diſmiſſion, and he was upon the ſick liſt beſides: in the evening of the ſame day, I ſaw him again in his wherry, bringing them on ſhore again, and Millmett, a Cuſtom-houſe officer, rowed after them in his boat; when he had landed the lumpers, Millmett took a lump of ſugar out of his boat; three lumpers jumped out of his boat, but I did not ſee them have any thing; then I ſaw Aaron Baker hand ſome ſugar out of the boat to one Archy Cockburn, who is gone off; he handed them from under the benches of his boat; Cockburn was a lumper.

Q. How near was Baker's boat to the Buſhey Park?—*A.* So cloſe, that they ſtepped out of the Buſhy Park into the lighter, and out of the lighter into his boat.

Croſs-examined by Mr. Knapp. Q. Have you been here very often?—*A.* Yes.

Q. You belong to the Cuſtom-houſe?—*A.* Yes.

Q. And you were diſcharged?—*A.* Yes.

Q. They never diſcharge people for any good deeds, I believe?—*A.* I was diſcharged about ſome bad words with another officer.

Q. What bad words?—*A.* I detected an officer of the Cuſtoms robbing the Cuſtom-houſe, and I took the goods away from him.

Q. And you mean the Jury to believe, that the Cuſtom-houſe fools, as they are called, diſmiſſed you for detecting a brother officer in robbing them?—*A.* It was for bad words.

Q. You were on board a tender, were not you?—*A.* Yes.

Q. You were not diſcharged from there?—*A.* I was, upon two perſons being found to ſupply my place.

Court. I cannot take this as any imputation to the man's character; he was preſſed.

Q. Did not you run away from the tender?—*A.* I ran away from the Leander.

Q. This affair happened the 25th or 26th of October?—*A.* Yes.

Q. When did you give the firſt information reſpecting it?—*A.* I gave it in November.

Q. How long after?—*A.* I dare ſay it was ſome weeks.

DAVID SANDEMAN *ſworn.—Examined by Mr. Jackſon.*

Jackſon. I am clerk to Robert Milligan and David Mitchell; the Captain's name is Roderick Morriſon; her cargo conſiſted of ſugar, coffee, and cotton; there were about nine hogſheads entirely empty of that part of the goods that were conſigned to Milligan and Mitchell, when they came to the quays.

For the Priſoner.

JOHN MILLMETT *ſworn.—Examined by Mr. Knapp.* I am a Cuſtom-houſe officer.

Q. Do you remember towing Baker's boat?—*A.* I remember rowing along-ſide Baker's boat the latter end of October laſt.

Q. Did you ſee Bramham take ſugar out of any boat?—*A.* No.

Q. Did you ſee any ſugar taken out?—*A.* Yes, I took it out; there were four lumpers in the boat, and one of them had a load of ſugar round his body under his cloaths.

Q. Did you leave any in the boat, or about the lumpers?—*A.* No.

Q. Was there any taken from any body on ſhore?—*A.* None that I know of.

Q. If any body has ſworn that there were bags of ſugar left in the boat, is it true or falſe?—*A.* It is falſe.

Q. Then you mean to ſwear that no bags of ſugar were left in the boat?—*A.* Not at the time that I rummaged her.

Q. Did you ſee Bramham rowing along-ſide?—*A.* No.

THOMAS MORGAN *ſworn.*—I am an Exciſe officer; I was ſtationed on board the Buſhey Park, at the time ſhe was unlading; I was on board all day and all night.

Q. In the courſe of the day did you walk the decks?—*A.* Either on the decks or below.

Q. How many officers were there on board?—*A.* Five.

Q. Was the captain on board at that time?—*A.* The captain was very ſeldom on board.

Q. But there were always five officers on board? *A.* Yes, and the owner.

Q. Was the owner on board all the time of unlading?—*A.* Yes.

Q. Was he on board any time, from the 20th to the 30th of the month?—*A.* Every day generally; he came, generally, about nine o'clock, and ſtaid the whole day long.

Q. Do you think it poſſible for any body to have taken any thing out of the ſhip, without the officers obſerving it, and being ſtopped?—*A.* I ſhould think not.

Croſs-examined by Mr. Fielding. Q. There were five officers on board the ſhip?—*A.* Yes; two Exciſe, and three Cuſtom-houſe officers.

Q. And are you all upon deck, or where?—*A.* Sometimes upon deck, and ſometimes in one place, and ſometimes in another.

Q. I ſuppoſe, at the time of the lumpers going away, you are ſometimes upon the deck, and ſometimes below?—*A.* When they are going, we wiſh to be upon deck.

Court. Q. Do you know how many hogſheads of ſugar there were on board this veſſel?—*A.* I cannot form an idea.

Q. You kept plenty of watch over all the property on board?—*A.* As far as I know I did.

Q. Were any of the hogſheads emptied of the ſugar?—*A.* There was a great deal waſhed away by the badneſs of the weather.

Q. And none taken out, but what was waſhed away by the badneſs of the weather?—*A.* No.

Q. That you ſwear?—*A.* Yes.

Court. (To Sandeman). Q. Did you ſee her come into port?—*A.* I did not.

Q. Did you obſerve the contents before you ſaw the nine empty hogſheads taken out?—*A.* I did not.

Mr. Fielding. Q. Do you know what became of the mate of that ſhip?—*A.* I do not know any thing of him.

Q. Upon your oath, do not you know that he ran away?—*A.* I do not know whether he ran away or walked away.

Q. Do you know from information, or your own knowledge, or any way, that he ran away from the ſhip?—*A.* I never heard any thing at all about him ſince he quitted the ſhip.

Q. Have you ever heard from the owners, that the deficiency was very conſiderable?—*A.* No; I heard nothing more than it was waſhed away, and a great deal of it reſtored.

JOSEPH WRIGHT *ſworn.—Examined by Mr. Knapp.* I am a Cuſtom-houſe officer: I was ſtationed on board the Buſhey Park in October.

Q. Were you there at the time ſhe was cleared out?—*A.* No, I was taken off to go to an Indiaman; I ſaw part of the delivery of her cargo; I am not ſure whether it was the 25th or 26th that I was taken off, I was there twenty-one days; I took the account of the cargo, and delivered the cargo.

Q. Was Morgan there?—*A.* Yes.

Q. Was Loughton there?—*A.* I do not think he was.

Q. Was the owner of the ſhip there?—*A.* Yes, he was there during the chief part of the delivery of the cargo.

Court. Q. What is the name of the owner?—*A.* Captain Lowry. He is part-owner of the Buſhey Park, and gave his attendance on board the chief part of the time.

Mr.

Mr. Knapp. Q. We have heard the laſt witneſs talk about waſhing?—*A.* When I went in, out of the whole delivery, there were more than fourteen or fifteen hogſheads, the chief part of them waſhed out, through bad ſtowage; it frequently happens ſo.

Q. If lumpers or other perſons came on board for the purpoſe of taking away this ſugar, you, giving your attendance on board twenty-one days, ſhould not you, and the other officers, have ſeen it?—*A.* I ſhould think ſo.

Q. Upon your oath, did any thing, with your knowledge, go out of the ſhip?—*A.* No, it did not, to my knowledge, more than what was put into the craft.

Croſs-examined by Mr. Knowlys. Q. You ſay, it is impoſſible for any perſon to take a bag of ſugar out of the ſhip without your obſerving it?—*A.* No, it is not impoſſible; but they might take it while I am writing, and taking an account.

Q. Upon your oath, do not you know that there was great plunderage on board the Buſhey Park?—*A.* There was not, to my knowledge.

Q. Have you never heard that there was great plunderage on board that ſhip?—*A.* Never.

Q. From that time to this, have you not heard that it was plundered?—*A.* Not till the laſt trials.

Q. Do you mean to ſay you were not preſent before the Magiſtrate, when people have been there about it?—*A.* No; I have been down at Purfleet.

Mr. Knapp. Q. Is it not the duty of the Cuſtom-houſe officers, upon any perſon going out of the ſhip, to examine them?—*A.* Yes; and we always pay that attention.

Q. And did you, during that attention, find any ſugar?—*A.* It is the duty of the officers on board.

Court. Q. Do you know Aaron Baker?—*A.* Yes; I know him as an officer on the water.

Q. Did you ſee the boat near the Buſhey Park?—*A.* No, I never did.

Q. Did you ſee any lumpers in his boat?—*A.* I never ſaw his boat, to my knowledge.

Court. Q. *(To Millmett).* You ſaid you were alongſide Baker's boat, where was Baker's boat at that time?—*A.* Near the ſtarboard quarter of the Buſhey Park, ſometime after ſix in the evening.

Q. Did you obſerve from what ſhip ſhe came?—*A.* They came over a lighter that laid between the boat and the Buſhey Park. My attendance was chiefly in taking the cargo.

Court. Q. Where was your ſituation principally?—*A.* On the deck. The cargo was delivered in a very ſhort time; about nineteen or twenty days.

Priſoner. I wiſh to ſay a few words in my defence. I am innocent of the charge, and I cannot be anſwerable for what people have ſecreted round their bodies; theſe lumpers have large frocks and trowſers on; they had nothing about them but what was ſecreted about their bodies; they had nothing that I could ſee, or any body elſe; it is my duty, as a waterman, to carry them backwards and forwards.

JOHN LOUGHTON *ſworn.—Examined by Mr. Alley.* I am an Exciſe officer.

Q. Do you remember the Buſhey Park unloading?—Q. Yes; I was on board her for the purpoſe of watching the property. The owner was there every day almoſt; there were five officers on board.

Q. Was it poſſible, do you think, for any perſon to take any ſugar out of that ſhip, without either them or the captain obſerving it?—*A.* I ſhould think not.

Q. Is it uſual, when perſons are leaving the ſhip, to ſearch them?—*A.* Yes; if they appear any way bulky, we always examine them.

Q. Does it not frequently happen, that from bad weather, there is what you call waſhing, and a conſiderable deficiency?—*A.* Yes, very common; and that was the caſe with that ſhip.

The priſoner called ſix other witneſſes, who had known him from five to twenty years, and gave him an excellent character.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Lord KENYON.

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241. JOHN AIKIN was indicted for forging and counterfeiting, on the 1ſt of March, a Bank of England note for the ſum of two pounds, with intent to defraud the Governor and Company of the Bank of England.

Second Count. With feloniouſly diſpoſing of, and puttig away, a certain Bank note, as and for a true Bank note, knowing it to be forged, with the like intention.

Third Count. Laying the intention to be to defraud John Aikin, woollen-draper.

There were nine other *Counts*, in the indictment, for a ſimilar offence, varying the manner of charging them.

(The indictment was ſtated by Mr. Giles, and the caſe by Mr. Garrow.)

JOHN AIKIN *ſworn.—Examined by Mr. Knowlys.* I am a woollen-draper in St. Martin's lane: On the firſt of March, the priſoner came to my ſhop and purchaſed a remnant of velveteen, for which he gave me a two pound note; I looked at the note, and ſaid, bleſs me, I wiſh they had put a little more ink upon it; he ſaid he would give me another; I ſaid, I did not wiſh to be particular about the matter, I had no reaſon to ſay it was a bad one,

one, and then I gave him the change for it. *(The note ſhewn to the witneſs).*

Q. Is that the note?—*A.* It has very much the appearance of the note, I believe it is; I put no name upon it.

Q. Did you obſerve any thing remarkable upon the note at the time it was tendered to you?—*A.* I did not take any particular notice, only from the paleneſs.

Q. To whom did you pay that note?—*A.* To Mr. Warberton.

Q. Are you ſure of that?—*A.* I have no doubt of it.

Court. Q. Did you pay him any other note at the ſame time?—*A.* No.

Croſs-examined by Mr. Knapp. Q. That note I apprehend has been out of your poſſeſſion ever ſince?—*A.* Yes.

Q. You put no mark upon it?—*A.* No.

Q. Therefore you cannot undertake to ſay that that is the note you received from the priſoner?—*A.* I believe it to be ſo.

Q. Did he deſcribe to you where he lived?—*A.* Yes.

Q. Was the deſcription he gave of himſelf, after you ſpoke of the paleneſs of the ink?—*A.* I believe it was.

Q. What account did he give of himſelf?—*A.* I do not recollect that he told me, at that time, where he lived.

Q. Did he tell you afterwards what he was?—*A.* He told me he was a ſerjeant in the guards.

Q. Did he tell you what regiment he belonged to?—*A.* I do not recollect that he did, but I knew what regiment he belonged to by the make of his clothes. He ſaid, he lodged in Orchard-ſtreet, Weſtminſter.

Q. Did you find that account to be true upon enquiry?—*A.* I did, every thing that he ſaid.

Mr. Knowlys. Q. When was it that he gave you this account of who he was?—*A.* The Sunday morning following, when he was with Mr. Bliſs, the officer of the Bank.

Q. Did he, before that Sunday morning, when he was in the cuſtody of Mr. Bliſs, tell you who he was, or where he lived?—*A.* I do not recollect that he did.

Court. Q. How came you to know where to find him?—*A.* Knowing he was in the Guards, and of the ſame name with myſelf, it was eaſy to find him out; he told me, while he was talking to me, that he was of the ſame name with myſelf. Mr. Warberton and I, on the Saturday, ſtopped a ſerjeant, and aſked him if he knew where he was; he ſaid, we ſhould find him upon the King's guard. We went there and found him; I aſked him if he recollected ſuch a note; he ſaid, he did.

Q. Did he not attempt to deny it?—*A.* No. He ſaid he took it of ſerjeant Darlow; he went away about his buſineſs, and we left him. I told him, on the Sunday morning, a gentleman from the Bank would call upon me with the note; he ſaid, he ſhould be ready to meet us at a quarter before twelve; we then parted. And the next morning, Mr. Bliſs went with me; we found him at the King's guard again, and he acknowledged that he thought it was the ſame note. The priſoner and I then all went to ſerjeant Darlow's; the priſoner ſaid, he had the note of ſerjeant Darlow. Mr. Bliſs preſented the note to ſerjeant Darlow, and he ſaid, he had given him a note, but it was not the ſame note.

Q. Did he ſay what valued note he had given him?—*A.* A two pound.

Q. What paſſed after this—when did you ſee the priſoner again?—*A.* I think at Cold-Bath-fields.

Q. Did you agree, before you parted with the priſoner and ſerjeant Darlow, to meet again?—*A.* Yes; the priſoner and Mr. Bliſs were to come to my houſe the next morning, with intent to go to the Bank, to ſee if they could do any thing in it. They came, but I did not go with them.

PETER DARLOW *ſworn.—Examined by Mr. Giles.* I am a ſerjeant belonging to the 77th regiment.

Q. Do you know the priſoner at the bar, John Aikin?—*A.* I have ſeen him; I have no great acquaintance with him.

Q. Look at that note, and ſay, upon your oath, whether you paſſed that note to the priſoner?—*A.* I did not.

Q. Where did you firſt ſee that note?—*A.* I ſaw it with Mr. Bliſs, the officer of the Bank, upon the Sunday after I had paid him a two pound note.

Q. You did pay him a two pound note upon the 26th of February?—*A.* Yes; for bringing a recruit, who was diſcharged for being under ſize.

Q. Are you poſitive that is not the note?—*A.* I am very ſure of it.

Croſs-examined by Mr. Alley. Q. You belong to a marching regiment?—*A.* Yes.

Q. Did it happen to you, at any time, to be taken up, and charged with forging this note yourſelf?—*A.* No.

Q. Were not you in cuſtody for it?—*A.* I was, at the Bank, a little time.

Q. Were not you before my Lord-Mayor, and ſent into cuſtody by him?—*A.* No; never in my life.

Q. And they ſent to your houſe from the Bank, to ſee if you had any other notes?—*A.* Yes.

Q. Was any body preſent at the time you gave him the two pound note?—*A.* No.

Court. Q. Do you know who the note you gave him was made payable to?—*A.* I do not know.

Q. Do you know the number?—*A.* No.

Q. Do you know who it was ſigned by?—*A.* No;

No; it was quite a new note, I had fourteen of the ſame that I had got in change for a forty pound note.

Court. Q. Can you read that note?—*A.* I cannot; it mentions two pounds at the top, I cannot read any thing elſe.

Court. Gentlemen of the Jury. I proteſt I cannot entertain a ſuſpicion againſt this man; ſo far from there being evidence to convict him, it does not raiſe even a ſuſpicion in my mind; for, if every man into whoſe hands a forged note might fall were to be convicted, in a perilous ſituation are we all. In this caſe, the man behaves in the moſt candid manner upon earth, he tells who he is, and does not abſent himſelf, though he finds ſuſpicions increaſing from day to day, he does not act as a man who is conſcious that he has done wrong. Gentlemen, I will not introduce ſuſpicions obliquely at any body at all, it is enough for me to ſay, that this man is now called upon to anſwer to this weighty charge, and the learned Counſel, who, undoubtedly, poſſeſſes great abilities, and, in conducting public proſecutions, great candour, tells me he can carry his caſe no farther. The priſoner has put himſelf upon his country, but upon this evidence, I ſhould be ſhocked to ſuppoſe, that any man could be called upon to anſwer for an offence almoſt out of the reach of pardon, if it is true; I muſt adviſe you, therefore, immediately to acquit him.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Lord KENYON.

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242. JOHN AIKIN was again indicted for a ſimilar offence.

The Counſel for the proſecution offering no evidence, the priſoner was ACQUITTED.

Tried by the ſecond Middleſex Jury, before Lord KENYON.

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243. BARNETT BARNETT and SOLOMON LEVY were indicted for putting off to one Stephen Edlin, on the 4th of April, thirteen counterfeit ſhillings for ſix good ſhillings.

(The indictment was ſtated by Mr. Ward, and the caſe by Mr. Garrow).

But the offence being charged in the indictment to have been committed in the County of Middleſex, and it appearing in evidence that it was committed in the City of London, the priſoners were

Both ACQUITTED.

Tried by the ſecond Middleſex Jury, before Mr. Baron HOTHAM.

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244. JOSHUA, otherwiſe TAYLOR HALL, was indicted for feloniouſly ſtealing, on the 16th of September, a horſe, value 6l. the property of Henry Thompſon.

The proſecutor not appearing, and, from the teſtimony of the other witneſſes, it appearing that the offence was committed in the County of Eſſex, the priſoner was

ACQUITTED.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice BULLER.

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245. CHARLES. BIRD was indicted for feloniouſly ſtealing, on the 21ſt of March, three quart bottles, value 6d. and three quarts of red port wine, value 6s. the property of Richard Corrall, Eſq.

(The caſe was opened by Mr. Alley.)

RICHARD CORRALL, Eſq. *ſworn.*—I am Paymaſter to the 15th Regiment of Light Dragoons, I had the care of the wine of the officers' meſs, there was ſome of it ſtolen from Hounſlow Barracks: On the 21ſt of March, I ſaw the priſoner's baſket ſtanding in the paſſage of the barracks, with a few nails, ſcrews, and other things, it remained there for ſeveral hours; at about half paſt three, or a quarter before four, I obſerved the priſoner going from the officers' barracks, I followed him acroſs the Barrack-yard into the Canteen; I apprehended him with the ſame baſket that I ſaw in the barracks, I ſearched the baſket, and there were ſome tools, and three bottles of port wine, with the marks upon the bottles that we had upon the whole of our wine.

Q. Who lays in the wine?—*A.* I laid in that quantity; I am accountable for it, as it is drank the money is paid to me. I ſaid to him, I have been able, at laſt, to find out who the thief is; I delivered him to the ſerjeant of the guard, and I went to the guard-room, and told him he had taken a great deal more; he ſaid it was his firſt offence, and that he found it at the bottom of the ſtairs; the conſtable has the wine.

Croſs-examined by Mr. Knapp. Q. You are anſwerable for the wine, you ſay?—*A.* Yes.

Q. You do not deliver it out?—*A.* No, the ſerjeant major.

Q. And he has the key of the place?—*A.* Yes.

Court. I think he has ſufficient property in it.

Mr. Knapp. Q. This baſket lay there for ſome hours?—*A.* Yes.

Q. He was not with it all the time?—*A.* No.

Q. Therefore what might have been done with it in the mean time you do not know?—*A.* No.

GUILTY.

Privately whipped and diſcharged.

Tried by the ſecond Middleſex Jury, before Lord KENYON.

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246. HANNAH CHAMPION was indicted for the wilful murder of a male child of the age of five weeks.

JAMES KENNEDY *ſworn.*—I am an officer belonging

longing to Marlborough-ſtreet: The Magiſtrate deſired me to carry on the proſecution, becauſe there was no proſecutor; that is all that I know of it.

ELIZABETH HUGHES *ſworn.*—I took the child out of the water-tub, dead, it was a male child; the water-tub was quite full of water.

Q. Do you know how the child came to be put into the tub of water?—*A.* No; the mother of the child told me, the man that took it away had either put it into the neceſſary or into the water-tub.

Mr. Knapp. *Q.* At the time that this mother of the child ſaid ſo, was not ſhe very much agitated, and affected?—*A.* She was very much overcome, and in great trouble.

Q. Do you know whether ſhe ſtaid in the houſe, or ran out of the houſe?—*A.* She ran out of the houſe for her ſiſter, crying and lamenting very much.

Q. Lamenting what?—*A.* For the loſs of her child.

MARY ETHERINGTON *ſworn.*—I took the child out of the tub, that is all I know about it.

ELIZABETH KEATON *ſworn.*—Upon the alarm being given, my huſband was called out by the priſoner's ſiſter-in-law, Ann Champion, for him to aſſiſt in getting their door open, at No. 12, in Skinner-ſtreet, where the child was drowned, and I followed him; and when Ann Champion got back, the door was faſt; we got in, and I ſaw the child in the tub, I helped to take it out; that is all that I know of it.

Q. Was the child naked or dreſſed?—*A.* It had its night-dreſs on.

FOYCE CHAMPION *ſworn.*—The priſoner is my ſiſter.

Q. Is the priſoner a married woman?—*A.* No.

Q. Had ſhe had a baſtard child?—*A.* Yes.

Q. What age was it?—*A.* It was a boy, about five weeks old. All I know about it is, that this child was found in the water-tub; I did not ſee it in the tub.

Q. Do you know how it came there?—*A.* No more than what my wife ſaid.

Q. Who is the reputed father of the child?—*A.* Michael Matthews.

Q. Had ſhe been before the Magiſtrate to father the child?—*A.* Not till after this accident happened.

ELIZABETH CHAMPION *ſworn.*—I am ſiſter-in-law to the priſoner.

Q. The priſoner had had this male child?—*A.* Yes.

Q. Did ſhe nurſe the child herſelf?—*A.* Yes.

Q. Where did ſhe live?—*A.* With me and my huſband.

Q. Did ſhe ſeem fond of the child?—*A.* Yes, remarkably fond of it.

Q. When was the laſt time you ſaw the child, previous to its being found in the tub?—*A.* I ſaw the child about ſix o'clock in the evening alive.

Q. On the day the child was found drowned?—*A.* Yes.

Q. Who had the care of the child then?—*A.* The priſoner was nurſing it in her arms.

Q. With apparent affection and attention?—*A.* Yes.

Q. What time was it found in the tub?—*A.* About nine o'clock in the evening.

Q. Did you ſee Matthews in the interval?—*A.* Not that evening, that I know of.

Q. Was ſhe in your houſe during the whole of that interval, from ſix o'clock till the time it was found?—*A.* I believe ſhe was; I cannot ſay.

Q. Was he in the houſe at all that evening?—*A.* Not till after the circumſtance happened.

Q. What time was it?—*A.* Between eleven and twelve o'clock; my huſband had been down and informed him of it.

Q. What became of the priſoner after ſix o'clock?—*A.* I left her at home when I went out; and at about half paſt ſeven, ſhe came to me at my mother's, about twelve yards from our own houſe; ſhe came to me crying, and told me to come home; I aſked her, what was the matter, and ſhe ſaid again, come home; I went out of doors with her, and aſked her, is there any thing the matter at home; ſhe ſaid, yes, I dare ſay the child is dead, I dare ſay it is killed by now; ſhe ſaid, there was a man came into the houſe, and took it from her.

Q. Did ſhe ſay what man?—*A.* No, ſhe ſaid ſhe did not know the man; he ſaid he would kill the child, and he ſaid he would throw it into the privy, or elſe into the water-tub; it alarmed me, and I went towards the door; and ſhe ſaid, do not go by yourſelf, for I have left the door open; when I came I found the door was ſhut.

Q. How ſoon did you go from your mother's to your own houſe, after ſhe called you to her aſſiſtance?—*A.* Directly.

Q. Did you ſee any body there?—*A.* No.

Q. Were none of your own family at home at the time?—*A.* No, there was nobody at home. I aſked a man to get over the next yard, and open the door for us.

Q. How long was it before you found the child after that?—*A.* An hour and a half.

Q. How happened that, if ſhe told you that the man ſaid he would put it in the tub, or elſe in the privy?—*A.* We took a board, and it was not long enough to reach the bottom, and afterwards we took a long broom.

Q. Had ſhe, during her being with-child, concealed it at all?—*A.* No.

Q. Did

Q. Did ſhe appear always affectionate to the child?—*A.* She was.

Q. What had been her ſituation in life?—*A.* She had been ſervant, before ſhe came to us, to the father of the child.

Q. Who was this man?—*A.* A baker's ſon, in the neighbourhood.

Q. Did he contribute to the expence of the child?—*A.* Yes.

Q. Was it dark when you came home?—*A.* Yes.

Q. *(To Hughes.)* What time of the evening was it that you ſaw her running out of the houſe, crying for the loſs of her child?—*A.* Between ſeven and eight o'clock; I was in my own houſe, which is about four minutes walk from her's.

Q. Did you ſee any man about the houſe?—*A.* No.

Q. Did ſhe deſcribe the man?—*A.* Yes, ſhe did.

Q. But did ſhe ſay who he was?—*A.* No; ſhe ſaid ſhe ſhould not know him again. She ſaid he had a round hat on, his hair tied behind, and a great coat on.

Q. She did not intimate a ſuſpicion who he was?—*A.* No; ſhe ſaid ſhe could not know him again.

Mrs. Champion. Croſs-examined by Mr. Knapp. Q. I underſtood you to tell my Lord that, during the whole time that the child lived, ſhe was a very affectionate parent?—*A.* Yes.

Q. She appeared to expreſs unfeigned ſorrow at the loſs of her child?—*A.* Yes.

Q. Did this man, the father of the child, continue the maintenance of the child up to the time of the death?—*A.* He did not pay us regular, but he was to pay us.

Q. How much does he owe now?—

Champion. He owes me nearly five pounds now.

Q. The priſoner lived in his father's ſervice?—*A.* Yes.

Q. And he at that time lived with his father?—Yes.

Court. (To Mrs. Champion.) Q. When you ſaw the child, in the arms of its mother, before you went out, how was the child dreſſed?—*A.* It had its day-clothes on.

Q. And what became of its day-clothes?—*A.* They are at our houſe now; they were folded up, and put upon the table, the ſame as they uſed to be at night.

Q. Was there any thing faſtened to the child?—*A.* Yes, there was a brick; but I did not ſee it.

Q. *(To Mrs. Etherington.)* Did you ſee the child taken out?—*A.* Yes.

Q. Was there any thing faſtened to the child's clothes to ſink it?—*A.* Yes, there was a piece of brick; the child's blanket was pinned at the feet, and that kept the brick in.

For the Priſoner.

MARTHA CUDD *ſworn.—Examined by Mr. Knapp.* I live at No. 10, Brill, Somer's-Town, juſt by where the priſoner lives.

Q. Do you remember the night that this happened?—*A.* Yes.

Q. Do you remember any body coming to your houſe that night, and at what time?—*A.* About four o'clock in the afternoon, a gentlemen opened the door and came in.

Priſoner. I wiſh to ſpeak in my own behalf. A gentleman came to my brother's houſe the ſame evening; he knocked at the door, and aſked for Mr. Champion, I told him he was not within; he told me, he ſaw Mr. Champion laſt night, croſſing Newgate-ſtreet, and he told him he would be at his houſe that evening, to give him an order for two dozen of ſhoes; I aſked him to walk in; after ſitting awhile, he aſked me if I was any relation to Mr. Champion, I told him I was his ſiſter; he jumped up, and ſaid, that was his child, and inſiſted upon having it; he drew a piſtol from under his coat, and ſaid he intended to murder the child before he went away, and he ſhould throw it either into the vault, or into the water-ciſtern.

Cudd. A gentleman came to my houſe that afternoon, and opened the door, and came in; he aſked if I had not a nurſe child, I ſaid, no ſir, I have no nurſe child, nor there is no nurſe child in this Row; he ſaid, it muſt be there ſomewhere; I ſaid, no ſir, it is not, there is no nurſe child here; and he kept the door open a conſiderable time, and ſeemed in great trouble about the child; then he went to the next door, and ſaid the child was dreſſed in a Quaker-coloured bonnet, and he would find the child, if poſſible; he was much agitated, and ſeemed in a deal of trouble about the child.

Q. Had you ever ſeen that gentleman before?—*A.* No; I had been in bed, and had not been out for two months before.

Mrs. STEVENS *ſworn.—Examined by Mr. Knapp.* Q. You lived next door but one to the laſt witneſs?—*A.* Yes.

Q. Do you remember a gentleman coming to your houſe?—*A.* Yes; he jumped over the pales from Mrs. Cudd's, and came to mine; he aſked me if I had got a nurſe child about four months old, with a ſtraw bonnet, and pink ribbons; I ſaid, no, I had not; he ſaid, did I know of any ſuch child in the neighbourhood,—

Q. Did the gentleman, making this enquiry, appear to be cool and collected, or otherwiſe?—*A.* He ſeemed to be like a gentleman out of his mind, all of a flutter, and all of a tremble.

Q. Had

Q. Had you ever ſeen that gentleman before?—*A.* No; he then went towards the Brill.

Q. Was the Brill in his way from your houſe to Skinner-ſtreet?—*A.* Yes, as ſtraight as a line.

Court. Q. What time was it that he came to your houſe?—*A.* Between four and five.

Q. When did you firſt give this account to any body?—*A.* The very next day.

Q. Recollect, you are upon your oath?—*A.* Yes; to the beſt of my recollection it was the next day.

CATHERINE GOULD *ſworn.—Examined by Mr. Knapp.* Q. You live next door to Champion?—*A.* Yes.

Q. Do you know the priſoner at the bar?—*A.* Yes.

Q. Do you know of her having a child?—*A.* Yes.

Q. Did ſhe appear an attentive fond mother to her child?—*A.* For all that ever I ſaw.

Q. Had you ſeen the priſoner that evening with her child?—*A.* Yes, at the door.

Court. Q. At what hour did you ſee her?—*A.* It was ſometime about ſix o'clock; a little after or before, I cannot ſay. I ſaid the child was getting on; ſhe ſaid, it was a little child a good while, but, thank God, now, it was getting on.

Q. Did ſhe ſuckle her child?—*A.* Yes.

Court. Q. You lived next door?—*A.* Yes.

Q. Did you hear any cry of diſtreſs, or help?—*A.* No.

Summing up.

Court. Gentlemen of the Jury. This indictment charges the priſoner with the greateſt offence that can be committed by a human being, under the aggravated circumſtances of the object of it being a poor unprotected child, the fruit of her own body, when it had no power to ſtruggle for the preſervation of its own exiſtence.

Gentlemen. This is a caſe which deſerves all your attention. There are circumſtances ſo extraordinary in it, that thoſe who look at it ſuperficially, will hardly, perhaps, be prepared to decide, with ſatisfaction to their own minds, to what the death of this child was owing. It is an arduous taſk that is thrown upon you, and you muſt decide; conſidering the caſe with fair mercy and indulgence to the priſoner, taking care at the ſame time, that falſe mercy does not ſuperſede that duty which you owe to ſociety, that offences of this mighty magnitude, if they are committed, may not remain unpuniſhed.

Gentlemen. That the offence of murder has been committed, there is no doubt upon earth, and the ſingle enquiry here is, to whom that guilt attaches. *(Here the noble and learned Judge ſummed up the evidence to the Jury).*

Now, Gentlemen, Upon this evidence you are to decide by what means this child came by its death; and it is not neceſſary, in aſcertaining the guilt or innocence of a perſon, that parties ſhould be preſent ſeeing the blow inflicted, or the thing done, which produced the death of the child: if there are pregnant convincing circumſtances, which work conviction upon your minds, that is the evidence which you will follow, when your aim is to arrive at the truth of the caſe; and, as I ſaid in the outſet, I ſay again, this is a caſe which calls for all your attention, and all your deliberation: and, with reſpect to this priſoner, with you are the iſſues of life or death, for if you impute guilt to her, it is impoſſible that mercy can interpoſe between the conviction and the conſequences of that conviction, the execution of the law upon her. The caſe againſt the priſoner leaves the child in poſſeſſion of the mother, in full health; the child is found dead; there was no other perſon in the houſe, and there was no communication with any other perſon, which could tend to produce the death of the child. Then the evidence brought by the witneſſes for the priſoner, is a very extraordinary ſtory, and you are to ſay whether it is a true hiſtory of the tranſaction, that a man, God knows who, not known to the priſoner at the bar, ſhould go to theſe two houſes in the neighbourhood, and enquire, at an early hour, for a child, with no view but to murder it, is a very extraordinary occurrence; that, afterwards, he ſhould go to this woman, having no connection with her, and put the child to death. If one ſtops and conſiders what ſhould act upon the human mind to produce ſuch conſequences, one is loſt and bewildered in the enquiry—But how is the child found? Why it is found ſtripped of its day-clothes, and its day-clothes were folded up and depoſited in the place in which the mother uſed to depoſit them:—Well, is all this done ſuddenly? there is time taken, the petticoats are pinned up, and a brick pinned up in them, in order to produce with more certainty, the death of the child, by ſinking it in the water-tub. Could this be done immediately? Where do we hear of her crying out for help? The houſe is in a row of ſmall houſes; the next door neighbour hears no outcry, and nobody appears to have called out for help.

Gentlemen. This is the evidence, and theſe are the obſervations which my ſituation extorts from me to make; you are to draw the concluſion; you are to conſider the caſe with all the leanings of humanity that juſtice will permit, but, remembering always. that you are not to loſe ſight of juſtice; that here is an inquiſition for blood, a fellow-creature has been deprived of life, and ſomebody is guilty of it; whether the priſoner is guilty or not, you will anſwer by your verdict.

NOT GUILTY.

Tried by the firſt Middleſex Jury, before Lord KENYON.

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247. MARIA EDWARDS was indicted for feloniouſly ſtealing, on the 21ſt of March, two wine glaſſes, value 6d. two glaſs rummers, value 6d. and ſeven glaſs cruets, value 2s. the property of Francis Moody.

FRANCIS MOODY *ſworn.*—I live at the George and Blue Boar inn, Holborn: I loſt two wine glaſſes, two glaſs rummers, and ſeven ſmall cruets, out of one of the parlours facing the ſtreet, on the 21ſt of March; they were on the ſide-board. I do not know any thing of the priſoner. I was waiter there, and am reſponſible for the glaſſes.

ANN BATTLE *ſworn.*—I am ſervant to Mr. Miller, who keeps the George and Blue Boar: I was in the room about five minutes before the priſoner came in; I left the glaſſes there. I ſaw the priſoner come out with ſomething in her apron; I went into the room and miſſed ſeven cruets; I apprized the waiter of it, and he went after her.

Moody. I followed her down Holborn; ſhe went into a public-houſe, and I loſt ſight of her; ſhe offered the glaſſes and cruets to ſell, with my name upon them, to the miſtreſs of the public-houſe, but ſhe is not here, ſhe is dangerouſly ill in bed. She came again in about an hour into the ſame room, and I laid hold of her; ſhe denied having been there before; ſhe ſaid, ſhe wanted ſome beer. Her apron had ſome ſtains upon it; the cruets had contained different ſauces for fiſh. I aſked her what ſhe had done with them, and ſhe ſaid, ſhe did not know any thing of it. There was Cayenne, ſoy, and ketchup, upon her apron, and ſalt and vinegar.

Priſoner's defence. I went in for ſome beer; the waiter told me, he did not ſell beer; I had put down a ſhilling; I went away, and forgot my ſhilling. I had got almoſt to the bottom of Holborn, and I went back for my ſhilling; and he laid hold of me, and ſaid, he was glad I was come back again, for he had loſt ſome cruets. He began ſtripping me and uſing me very indecently; and the maſter kicked me ſo that I ſhall never be able to get my bread again.

JAMES FORD *ſworn.*—I am not in buſineſs, I have been a publican: The priſoner lived with me a year and a half; ſhe uſed to get a little liquor ſometimes, and then ſhe would be refractory.

Moody. She did not leave a ſhilling.

Battle. I am certain that ſhe is the ſame woman that I ſaw come into the houſe both times.

NOT GUILTY.

Tried by the firſt Middleſex Jury, before Lord KENYON.

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248. JAMES M'COULL was indicted for feloniouſly receiving, on the 2d of March, a large quantity of muſlins, calicoes, ſhawls, &c. the property of John Baker, of which Richard Seare and Thomas Wood were, in due form of law, tried and convicted of ſtealing, he knowing the ſame goods to have been ſtolen.

(The indictment was opened by Mr. Knapp, and the caſe by Mr. Conſt.)

But it appearing from the opening of the learned Counſel, that he had no evidence to offer but that of the perſon whoſe goods were ſtolen, and that of the accomplice, the Court directed the Jury to find the priſoner

NOT GUILTY.

Tried by the London Jury, before Mr. RECORDER.

249. SOPHIA BAILEY was indicted for feloniouſly ſtealing, on the 18th of March, a piece of gold coin called a guinea, the property of Harry Trotman.

HARRY TROTMAN *ſworn.*—I am a journeyman baker: On Sunday the 18th of March, I was going home, I met the priſoner, ſhe aſked me where I was going; I ſaid, this way; ſays ſhe, I am going this way too; ſhe aſked me if I would give her any thing to drink, and I went in with her to the Roſe Tavern in King-ſtreet; ſhe aſked me to go up ſtairs with her, and I went up ſtairs; ſhe ordered ſome brandy and ſhrub, and the landlady ſaid it would come to fourteen pence, and I had only a ſhilling and a guinea, and I would not change, and then ſhe brought in a ſhillingſworth; then the priſoner wanted to ſee my guinea, ſhe attempted ſeveral times to feel in my pocket for it, and I would not let her ſee the guinea; ſhe put her hand into my waiſtcoat pocket along-ſide of mine, when I had been in the room about five or ſix minutes; as I was coming away, putting on my gloves, ſhe whipped both her hands into my waiſtcoat pockets, one in one pocket, and the other in the other, and took my guinea out.

Q. Did you ſee the guinea in her hand?—*A.* No, ſhe threw it away ſome how, I could not ſee it; ſhe whipped her hands behind her, and what became of the guinea I cannot ſay; I accuſed her with it, and ſhe ſaid ſhe had not got it; I deſired her to return the guinea, or I ſhould charge the watch with her; I ſent for the landlady up, and ſhe deſired her to return it; ſhe ſaid, ſhe had got no ſuch thing, it was only a halfpenny; Mrs. Smith ſent for the watchman, and the watch was not ſet.

Q. Is ſhe here?—*A.* No.

Q. Is there no other witneſs here but yourſelf?—*A.* No; I kept her till the watch ſet, and then ſhe was taken to the watch-houſe.

Q. Did you ever find your guinea?—*A.* No.

Q. How long were you in the room with her?—*A.* Near three quarters of an hour; by that time the watchman came.

Q. How long were you there before the watch was ſent for?—*A.* Ten minutes, or a quarter of an hour.

Q. Did you give her any money?—*A.* No.

Q. Had you no connection with her?—*A.* No, no connection at all.

Q. Were you drunk or ſober?—*A.* Perfectly ſober.

Priſoner's defence. He came down to me this morning, and gave me ſome beer, and ſaid he would not ſay more than he could help, as I had not the guinea; I was ſearched twice, and I never had the guinea.

NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. RECORDER.

250. CHARLES

250. CHARLES BATCHELLOR was indicted for that he, on the 23d of December, upon Elizabeth Agar, did make an aſſault, and her, the ſaid Elizabeth, againſt her will, did raviſh, and carnally know.

NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. Juſtice BULLER.

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251. MARTHA ADAMS was indicted for feloniouſly ſtealing, on the 25th of March, a half-crown, and 9s. 6d. in monies numbered, the property of Joſeph Wright.

JOSEPH WRIGHT *ſworn.*—I am a journeyman printer: As I was going down Drury-lane, on a Sunday evening, the priſoner met me, took hold of my arm, and walked with me about ten yards; I had been ſpending the evening with ſome friends, I had no watch, and there was no clock in the room, but as near as I can gueſs it was about twelve o'clock, I was not ſober; after the priſoner had walked a little way with me ſhe got before me, and I found her hand in my waiſtcoat pocket; I had ſixteen ſhillings in my pocket, and upon putting her away ſome of the ſilver dropped out of my waiſtcoat pocket upon the pavement, what it was I do not know; I told her ſhe had taken the money out of my pocket; ſhe ſaid ſhe had not, and ran acroſs the way; I went after her, laid hold of her, and called watch, and ſhe was taken to St. Martin's watch-houſe; ſhe ſaid, ſhe had only two ſhillings, ſhe pulled a huſſif out of her pocket, and laid it on the table; the conſtable ordered her to be ſearched, but nothing was found; the conſtable took up the huſſif, and found lying under it ten ſhillings good, one bad, and a half-crown.

JOSEPH THOMPSON *ſworn.*—I was conſtable of the night, *(produces the money)*; I found this money upon the table, under the huſſif which the priſoner had placed there; ſhe ſaid, ſhe had got but two ſhillings.

Wright. There is one ſhilling that I can ſwear to by a black ſpot on the bent ſide, I remarked it particularly on the Saturday night.

Priſoner's defence. I am an unfortunate woman; the proſecutor was very much in liquor, and he told me he would give me half-a-crown if I would take him home to my lodgings; the money that I had was money that I had collected to go into the hoſpital with, having a very bad leg.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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252. CHARLES NELSON was indicted for feloniouſly ſtealing, on the 23d of February, a loin of mutton, value 2s. the property of Thomas Higham.

THOMAS HIGHAM *ſworn.*—I am a butcher in Whitecroſs-ſtreet: On the 23d of February, at ſeven in the evening, I was up ſtairs ſettling my books; I was called down, and there was the priſoner and one Barnes; he aſked me if I had loſt any thing, and produced a loin of mutton, which I knew to be mine, by one ſteak being cut off.

Q. If one ſteak was cut off, could you afterwards ſell it for a loin of mutton?—*A.* Yes; if they did not aſk me any thing about it, I ſhould ſell it for a loin of mutton. I had miſſed it from the place where I had laid it about a quarter of an hour before.

Croſs-examined by Mr. Knapp. *Q.* You don't know, of your own knowledge, that the mutton was taken away?—*A.* No.

Q. And you cannot yourſelf ſwear that your wife did not ſell it while you were up ſtairs?—*A.* No.

Q. There are a certain number of bones in a loin of mutton?—*A.* Yes.

Q. Then, if there is a bone or two leſs, it is not a loin of mutton?—*A.* Yes, it is.

Q. A part of a loin cannot be the whole loin?—*A.* I ſhould call this a loin of mutton.

Q. Your wife is not here?—*A.* No.

JOHN BARNES *ſworn.*—I am a butcher: On the 23d of February, about ſeven in the evening, I was ſitting in my own ſhop, I was informed Mr. Higham had been robbed, and I went in purſuit of the perſon; I went up an alley, and met a lad, I could not ſee any body elſe, but I heard the ſound of a foot before me; I purſued almoſt to the top of the alley, and then I perceived ſomebody turn down another alley, that leads into the ſame ſtreet, that was the priſoner at the bar; upon his ſeeing me, he ſtopped from a run to a walk; I went up to him, and caught hold of him by the right arm; I ſaid, my lad, what have you got here, he ſaid he had got a piece of meat; he had got the mutton in his apron; he refuſed to go back with me, till I inſiſted upon it; I took him back to Mr. Higham's ſhop, which was about fourſcore or a hundred yards; the ſervant called Mr. Higham down, I aſked him if that was his mutton, and he ſaid he could ſwear to it.

Croſs-examined by Mr. Alley. *Q.* Will you ſwear that that is a loin of mutton?—*A.* Yes.

Q. Will you ſwear that a gooſe, with its head cut off, is a gooſe?—*A.* No.

Q. You know nothing at all about its being taken?—*A.* No.

Q. The man that ſaw it taken is not here?—*A.* No.

Q. Have you never ſaid, it was a man that wore trowſers that had the mutton?—*A.* No, never.

THOMAS DERRIDGE *ſworn.*—I am a conſtable: I took charge of the priſoner, and took him to the office. *Priſoner's*

Priſoner's defence. I am a ſhoemaker by trade: I was going to enquire for work; and, going through Bullock-alley, a man ruſhed paſt me, and dropped ſomething, I ſtooped down, and picked up this mutton, and then Barnes came up, and took me up.

Q. (To Barnes.) What did he ſay when you took him?—*A.* He ſaid that a man had dropped it, who puſhed by him, and he had picked it up; but it was a very wet night, and there was no appearance of mud upon the mutton.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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253. HENRY GRIFFITHS was indicted for feloniouſly ſtealing, on the 16th of April, a leather pocket-book, value 1s. the property of Alexander Campbell.

ALEXANDER CAMPBELL *ſworn.*—Laſt Monday, between two and three o'clock, nearly oppoſite St. Dunſtan's church, in Fleet-ſtreet, there was a little crowd, and I felt a tug at my pocket; I then looked behind me, and ſaw the priſoner paſs ſomething into the hand of another man who was cloſe to the wall; the other man, perceiving that I had my eye upon him, immediately dropped the pocket-book, and made off through the crowd; I immediately picked up the pocket-hook, and ſecured the priſoner.

Q. Are you perfectly ſure he is the man?—*A.* Yes; I gave charge of him to a conſtable.

ALEXANDER HALL *ſworn.*—*(Produces the pocket book).* I am a conſtable: I received the pocket-book from the proſecutor, and took charge of the priſoner.

Campbell. This is the pocket-book that was taken from me.

Priſoner's defence. I am innocent of the charge.

GUILTY (Aged 50.)

Tranſported for ſeven years.

Tried by the London Jury, before Mr. RECORDER.

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254. SARAH LEE was indicted for feloniouſly ſtealing, on the 14th of March, a pair of woman's leather ſhoes, value 3s. the property of Chriſtian-William Roſſiter, privately, in his ſhop.

MARY ROSSITER *ſworn.*—I am the wife of Chriſtian-William Roſſiter, a ſhoemaker: On the 14th of March, the priſoner came in, and aſked to ſee ſome ſtrong ſhoes; I ſhewed her ſeveral pair, but had none that ſuited her; and as ſhe was going away, I ſaw her apron tucked up; I ſuſpected her, and ſaw the quarters of ſhoes peep out at the corner of her apron; ſhe ſaid, ſhe was ſorry that ſhe had given me the trouble, and went out of doors, and I followed her; I took her by the arm, and told her ſhe had got a pair of ſhoes in her apron; I got the ſhoes from her, and called to a perſon to fetch my huſband; he then came, and delivered her and the ſhoes to the conſtable.

CHRISTIAN-WILLIAM ROSSITER *ſworn.*—I was at a neighbour's houſe; I cannot ſay whether I gave the ſhoes to the conſtable, or whether it was my wife; I can ſwear to the ſhoes. *(The conſtable produced the ſhoes, which were depoſed to by the proſecutor).*

Priſoner's defence. I did not mean to wrong her of the ſhoes.

GUILTY (Aged 18.)

Confined ſix months in the Houſe of Correction, privately whipped, and diſcharged.

Tried by the London Jury, before Mr. RECORDER.

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255. BENJAMIN BENJAMINS was indicted for feloniouſly ſtealing, on the 19th of March, a cotton window-curtain, value 2s. the property of Arnold Harvey.

Second Count. Laying it to be the property of Thomas Ellis.

JAMES LEGGE *ſworn.*—I am porter to Mr. Thomas Ellis: On the 19th of March, Mr. Ellis had a ſale, No. 4, Berry-court, St. Mary Axe; the priſoner came up to view the goods; I immediately went up, after he had come down, and miſſed the curtain; I followed him, and charged him with having ſomething which did not belong to him, and he ſaid he had not; he came back with me to the houſe, and unbuttoned his breeches and his waiſtcoat, and ſaid I ſhould be welcome to ſearch him; I ſearched him, but could not find it; I at laſt found it in his hat; I took him before my Lord-Mayor, and he was committed. *(Produces the curtain.)*

Croſs-examined by Mr. Alley. *Q.* Whoſe curtains were they?—*A.* Arnold Harvey's.

Q. The priſoner, you know, is a broker?—*A.* No, I do not know it.

Q. He took his hat off, while he was in the houſe, did not he?—*A.* I do not know that he did, till I took it off.

Q. Brokers play tricks with each other frequently, do they not?—*A.* Sometimes.

RICHARD LOWE *ſworn.*—On the 19th of March, the priſoner came into the drawing-room where I was, and aſked for a catalogue, he then went out of the ſale-room into the back room, from thence he went up ſtairs; James Legge was up ſtairs, there was nobody there, I believe, at that time but him and James Legge; he went out, and Legge followed him almoſt directly; he brought him back, and ſearched him, he pulled off his hat, and

and there was the curtain. I went and fetched a conſtable, and he was delivered to him.

Croſs-examined by Mr. Alley. Q. Do you never ſee the brokers play tricks with each other?—*A.* No; I do not know that I ever did.

Q. Before this can be called a curtain it muſt be ſewed together?—*A.* It wants tacking together.

Q. Do you mean to ſwear it is not a bad curtain?—*A.* Yes.

ARNOLD HARVEY *ſworn.*—This curtain is mine, I loſt the fellow to it from the ſame houſe juſt before; it is a window curtain.

Croſs-examined by Mr. Alley. Q. Will you ſwear it is a window-curtain?—*A.* Yes, I will; beyond all doubt it is a window-curtain. I have been a broker theſe twenty years, I ought to know what belongs to a window-curtain.

Priſoner's defence. I am innocent of the fact.

JAMES ANDERSON *ſworn.*—I am a broker; I have known the priſoner theſe three years, I have had dealings with him; and, I think, of all the twelve tribes of Iſrael he is the honeſteſt.

Mr. Alley. Q. You are not a Jew yourſelf?—*A.* No; I am a *Scotchman by trade.*

The priſoner called three other witneſſes, who gave him a good character.

GUILTY (Aged 20.)

Confined three months in Newgate, and fined 1s.

Tried by the London Jury, before
Mr. RECORDER.

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256. JOHN ROBERTSON was indicted for breaking and entering the dwelling-houſe of Sarah Chapel, ſpinſter, and Mary Chapel, ſpinſter, about the hour of four, in the night of the 15th of March, and burglariouſly ſtealing a flannel petticoat, value 2s. the property of Sarah Minet, ſpinſter.

SARAH MINET *ſworn.*—Q. Are you a ſingle woman?—*A.* Yes; I did live with Miſs Sarah Chapel and Mary Chapel, in March, they rented a houſe in Sun-ſtreet, Biſhopſgate-ſtreet.

Q. You do not know that they both paid the rent, one might have kept the houſe, and the other live with her?—*A.* I cannot ſay; on Thurſday night, the 15th of March, I hung up a flannel petticoat at the door in the kitchen, and when I came down the next morning I miſſed it; the upper part of the ſaſh had been puſhed down, and the petticoat gone; I ſaw it the next day, at my Lord-Mayor's, in the hands of Ward, the conſtable.

HEZEKIAH TYNDAL *ſworn.*—I am a watchman: About five minutes after five in the morning, I caught the priſoner taking a flannel petticoat out of the kitchen window; upon his ſeeing me he threw it away, and I picked it up, and ſecured him; I gave the petticoat to the officer of the night.

THOMAS WARD *ſworn.*—I am the conſtable of the night. *(Produces the petticoat).*

Minet. This is my petticoat, I made it.

Priſoner's defence. I never had the petticoat, I know nothing of it.

GUILTY, of ſtealing the goods, but not of the burglary.

Confined one year in Newgate, and publicly whipped.

Tried by the London Jury, before
Mr. RECORDER.

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257. MATTHEW QUIRK was indicted for feloniouſly ſtealing, on the 31ſt of March, a ſaddle with iron ſtirrups plated with ſilver, value 3l. and four other ſaddles, value 7l. 10s. the property of Joſeph Sabine, Robert Waghorn, John Searman, Thomas Knight, John Blake, Henry Ventriſs, John England, Timothy Hewlett, Thomas Hinton, and Jonas Vere, the ſaid goods being on a wharf, called Botolph wharf, adjacent to the navigable river of Thames.

JOSEPH SABINE *ſworn. (Proves the partnerſhip.)* I am a gangſman of Botolph wharf: On Friday, the 30th of March, I received three caſes, I did not, at that time, know the contents, but I found ſince, they conſiſted of ſadlery. I left them on the wharf, the 31ſt, in the evening, in the ſame order that I received them. On Monday morning, the 2d of April, about ſeven o'clock, one of the caſes was removed up an alley adjoining to the wharf, called Vintners' alley, and there I found it empty.

EDWARD ROGERS *ſworn.*—I am a conſtable belonging to the Public Office, Shadwell: On Monday, the 2d of April, I received information, in conſequence of which I went to the priſoner's lodgings, No. 31, in Pennington-ſtreet, Ratcliff-highway, the priſoner was not at home; we went up to his apartments, and forced open the door of the front room. The priſoner acknowledged them to be his apartments. We ſearched the room, and found, in a bag in the room, two new ſaddles; and, in a box which was locked, we found three new ſaddles. We took the property down ſtairs; this was between two and three o'clock; and then we remained till the priſoner came in, at near nine o'clock at night; and then we apprehended him, and brought him and the property to the office. *(Produces the property.)*

JOHN RILEY *ſworn.*—I am a conſtable of the Police Office, Shadwell: I was with Rogers; I know nothing more than he does.

THOMAS MILROY *ſworn.*—I am a ſadler: Theſe are the ſaddles that I packed in a caſe; I ſent them to Botolph wharf, on the 30th of March. They have my own name upon them.

JOHN

JOHN TURNBULL *ſworn.*—I am ſervant to Mr. Milroy: I know theſe ſaddles; I made part of them. They were ſent to Botolph wharf on the 30th of March.

ROBERT WAGHORN *ſworn.*—I know no more than Mr. Sabine does. All goods that come to the wharf are under our care till they are ſhipped, and we are reſponſible for them while they are on the wharf.

Q. (To Milroy.) What is the value of theſe ſaddles?—*A.* There are three worth two guineas each, one worth a guinea and a half, and the other is worth thirty-ſix ſhillings.

Priſoner's defence. I was going home on Saturday night over Tower-hill, I ſaw theſe ſaddles in a bag; I took them home in a coach; and, on Monday morning, I was obliged to attend a field day, or elſe I ſhould have advertiſed them. There are the names upon them, and every thing juſt as I found them, which ſhews I did not mean to make a property of them.

GUILTY **Death.** (Aged 44.)

Tried by the London Jury, before Mr. RECORDER.

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258. WILLIAM HOLDING was indicted for feloniouſly ſtealing, on the 23d of February, a black ſilk cloak trimmed with lace, value 5l. the property of Roſe Joachim.

ROSE JOACHIM *ſworn.*—*Q.* Are you a ſingle woman?—*A.* Yes. I loſt my cloak from the milliner's, it was delivered by one of the girls to a man that Mr. Goldſmid had ſent for it.

HARRIET REDDISH *ſworn.*—I am a milliner; I live with Mrs. Franks, in St. James's ſtreet. About ſix weeks ago, we received ſome lace from Miſs Joachim; we were to make her a cloak, and to put that lace upon it, which we did. A man ſaid he came from Mr. Goldſmid for the cloak, and I delivered it to him. The priſoner is the man.

Q. Are you perfectly ſure he is the man?—*A.* I am very certain of it.

ABRAHAM GOLDSMID, Eſq. *ſworn.*—On the 23d of February, or thereabouts, I was going down to the Treaſury; my niece, Miſs Joachim, deſired me to call at Mrs. Franks's, and deſire them to ſend her cloak home. Mr. Roſe kept me ſome time at the Treaſury, where the priſoner was generally waiting. I had left my carriage, and deſired the coachman to call at Mrs. Franks's, for the cloak; and I went down on foot to the Treaſury. When I came out, the carriage was at the door, and as the coachman was opening the door, he told me that it was not quite ready, but if I would go back there, I might have it; I ſaid, I had no time. The priſoner at the bar overheard me, and aſked me if he ſhould go and fetch it for me; I told him, yes, and gave him a ſhilling: I told him, if he brought it home ſafe immediately, he ſhould have another ſixpence or a ſhilling. He was to bring it to No. 18, Alie-ſtreet, where my niece lives with me; I found it did not come, and in the evening I went to Bow-ſtreet; and on the Monday following it was found at the pawnbroker's.

JANE FLORA *ſworn.*—I take in waſhing: On the 23d of February, the priſoner brought a cloak to me, and ſaid his wife deſired me to pawn it for her, and I went and pawned it at Mr. Rochfort's, in Jermyn-ſtreet; it was a black ſilk cloak, trimmed with lace; *(produces the duplicate);* I pawned it in the name of Mrs. Roach, in Bond-ſtreet, for I had carried property of Mrs. Roach's there; ſhe keeps a dreſs-ſhop.

JOHN DOBREE *ſworn.*—I am ſervant to Mrs. Rochfort, pawnbroker, in Jermyn-ſtreet, *(produces the cloak);* I took this in of Mrs. Flora, on the 23d of February; I think it was on a Friday, in the morning; I have had it ever ſince.

Mrs. Flora. That is the cloak that I had from the priſoner.

Miſs Reddiſh. This is the cloak that I delivered to the priſoner; I know it by the lace.

Miſs Joachim. I know this lace to be the ſame that I ſent to Mrs. Franks's, to be put upon the cloak.

Priſoner's defence. As ſoon as I had got the cloak from that young lady, it begun to pour with rain, and I ſtood up; and as I had the direction only by word, and not by card, I forgot it, and did not know where to carry it; I called upon Mrs. Flora, and what happened in her apartment I cannot particularly ſay, but ſhe pinned the cloak up for me. It is the firſt offence, and I throw myſelf upon the mercy of the Court.

GUILTY (Aged 39.)

Confined ſix months in the Houſe of Correction, privately whipped, and diſcharged.

Tried by the firſt Middleſex Jury, before Mr. RECORDER.

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259. MICHAEL M'CABE was indicted for feloniouſly ſtealing, on the 2d of April, 330 guineas, the property of Joſeph Sage, William Gregory, Henry-William Atkinſon, Reuben Fletcher, John Nicholl, and Richard Franklin.

Second Count. Laying it to be the property of the Governor and Company of the Bank of England.

The indictment was ſtated by Mr. Ward, and the caſe by Mr. Fielding.

THOMAS FINCH *ſworn.—Examined by Mr. Fielding.* I am an apprentice to the Moniers of the Mint.

Q. Do you remember the proceſs of coining going on on the morning of the 2d of April, 1798?—*A.*

—*A.* Yes, of guineas; the priſoner, and ſeven other ſoldiers, were employed.

Q. About the preſs where he was employed, were there any bags of gold?—*A.* There were fifteen bags, containing 664 in each bag.

Q. Was there any bag that contained 330 guineas?—*A.* There was part of a bag left at breakfaſt-time, that was at nine o'clock; the priſoner went out of the room with ſeven others; he was employed in pulling the fly; when they came back from breakfaſt, there was a man of the name of Wanley had not come, and he ſaid he would go and fetch him; and in a very few minutes I miſſed the money; he did not return.

SAMUEL MENSLEY *ſworn.*—The priſoner was at work at my preſs on the morning of the 2d; there were fifteen bags of guineas lying near the preſs.

Q. Were there any ſmall bags, that you call a half-journey?—*A.* Yes; one containing 330 guineas; a journey is 668 guineas. The priſoner and the other men went away to breakfaſt; one of them did not return with the reſt, and the priſoner ſaid he would go and fetch him; he went out, and a few minutes after I miſſed the money.

JAMES STREETER *ſworn.*—I keep the Princeſs Royal, Fell-ſtreet, Shoreditch: On the 2d of April, between two and three in the afternoon, the priſoner came to my houſe; he had formerly been quartered upon me; I had been ill, and went to lie down; Mrs. Streeter called me up; I went down, and he told me he had got 700l. that morning, that he had received for his couſin's prize-money in Admiral Jervis's action; he ſaid he was to receive 700l. more when he got to Ireland; he ſaid he had paid forty-two guineas for his diſcharge, and about ſeven o'clock in the evening I ſaw the money; I then began to ſuſpect him; he frequently pulled out the bag, but I had not ſeen the coin till then; ſays I, Mich. how did you come by this, I am afraid you did not get it honeſtly; he perſiſted in it, that he had received it for his couſin's prize-money; the next morning, I ſaw it in the newſpaper, and ſent for a conſtable; I delivered him and the money to the conſtable; it was all new money.

PETER MASON *ſworn.*—I am a conſtable, I was ſent for to Mr. Streeter's to apprehend the priſoner; I hand-cuffed him, and aſked him if that was the money he had ſtole from the Mint; he ſaid it was part of it; there were 237 guineas, a half-guinea, four ſeven-ſhilling-pieces, thirteen ſhillings, and ſeven ſixpences; he ſaid, he had 700 in the whole, that he had bought clothes, and a horſe, a ſaddle, a bridle, and a pair of piſtols, and the reſt he had expended among the girls in St. Catherine's; he ſaid there were ſome people there wanted to detain him, and he was obliged to give them a part of the money to let him go. I delivered the money to Mr. Fletcher, by order of the Magiſtrate.

REUBEN FLETCHER *ſworn.—Examined by Mr. Fielding.* I am one of the Moniers of the Mint, *(produces the money);* I received theſe guineas from the laſt witneſs, they had never been in circulation, they are of the date of 1798; there are circumſtances about them from which I can ſwear to their having been made that morning, *(proves the names of the Moniers).* We have the bars of gold from the melter, and deliver them, when coined, to the Bank.

Q. And you were accountable to the Bank for them?—*A.* Yes.

Q. And this buſineſs is carried on in the Tower of London?—*A.* Yes.

Priſoner's defence. I found them in the Mill-room and Preſs-room, among ſome bricks.

GUILTY (Aged 25).

Tranſported for ſeven years.

Tried by the London Jury, before Mr. RECORDER.

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260. MARTHA-SARAH LAMBERT was indicted for feloniouſly ſtealing, on the 27th of March, two diaper table-cloths, value 6s. a ſtuff window-curtain, value 6s. two linen ſhirts, value 4s. a cotton ſhirt, value 2s. a pair of breeches, made of ſilk and cotton mixed, value 3s. another diaper table-cloth, value 2s. a pair of ſilk ſtockings, value 3s. a dimity waiſtcoat, value 3s. a linen ſhirt, value 2s. a yard and a half of woollen ſtuff, value 6d. two japan boxes, value 6d. a leather pocket-book, value 1d. the property of Thomas Hamilton.

There being no evidence to bring the charge home to the priſoner, the Court directed the Jury to find her

NOT GUILTY.

Tried by the London Jury, before Mr. RECORDER.

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261. JAMES SHIELDS, was indicted for feloniouſly ſtealing, on the 14th of February, a leather pocket-book, value 2s. the property of Alexander Strong, privily from his perſon.

ALEXANDER STRONG *ſworn.*—I live in Great Ormond-ſtreet: On the 14th of February laſt, I was paſſing through Fleet-ſtreet, juſt oppoſite Fiſher and Wells's, about three o'clock in the afternoon, I ſaw a crowd collected round a horſe that had fallen down in the ſtreet; I went up, and ſtopped about two minutes, till the horſe was got up; as I was going away, a perſon tapped me on the ſhoulder, and pointing to the priſoner, ſaid, that man has picked your pocket; I immediately laid hold of him, and he ſaid, what have you to do with me;

me; not knowing at that time what I had loſt I let him looſe, but upon ſearching my pocket, I miſſed my pocket-book; I immediately holloaed out to the people that had collected round me that I had loſt my pocket-book; a man immediately held it up in his hand, ſaying, I have found a pocket-book; I told him my name was in the front page of it, and then he gave it me; it is worth about two ſhillings, or perhaps one.

Croſs-examined by Mr. Knapp. Q. It was a conſiderable crowd, was not it?—*A.* Yes,

Q. Of courſe there were a great many people crowding about you at the time?—*A.* not many.

JOHN BOLTWRIGHT *ſworn.*—About three o'clock in the afternoon, as I was going through Fleet-ſtreet, a horſe had fell down, and I ſaw the priſoner at the bar puſh in between Mr. Strong and me, and I ſaw him take the pocket-book out of Mr. Strong's pocket.

The priſoner left his defence to his Counſel.

GUILTY (Aged 37.)

Of ſtealing to the value of 10d.

Confined ſix months in Newgate, and fined 1s.

Tried by the London Jury, before Lord KENYON.

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262. GOSHERN LEVY was indicted for feloniouſly ſtealing, on the 4th of April, a piece of linen cloth, containing 50 yards in length, value 30s the property of Wyndham Knatchbull, James Rule, and Thomas Cunningham.

WYNDHAM KNATCHBULL *ſworn.*—I am in partnerſhip with James Rule and Thomas Cunningham; we keep a linen-warehouſe, in Grace-church-ſtreet: On the 4th of April, I was in the accompting-houſe, about two o'clock, and heard a noiſe; I ran out and enquired what was the matter; they told me that ſomebody had ſtolen a piece of linen; and, in about a quarter of an hour after, I heard he was in the Compter: I ſaw him at the Manſion-houſe the next morning. I cannot ſwear to the linen.

WILLIAM WALDEN *ſworn.*—I am ſervant to Mr. Cowley: I was going from Mr. Cowley's to Mr. Knatchbull's with a load, on Wedneſday the 4th of this month, about two o'clock; when I went in, I ſaw the priſoner with a ſilk handkerchief in his hand, and his hand upon a pack of brown Iriſh that ſtood in the gateway; I looked at him, and he went out of the gateway, and looked round at me; I followed him to the corner of Eaſtcheap, and then I went and alarmed the people of the warehouſe in Philpot-lane; I got ſight of him; a perſon ſtopped me by miſtake, ſuppoſing it to be me, and I loſt ſight of him, till he was taken into cuſtody, which was in about ten minutes.

Q. Are you ſure it was the ſame man that you had ſeen in the gateway?—*A.* Yes.

Mr. Knapp. Q. You had never ſeen the priſoner before?—*A.* No.

WILLIAM ROBERTS *ſworn.*—I live in Cullum-ſtreet: About two o'clock, on the 4th of this month, I ſaw the priſoner running up Cullum-ſtreet very ſwift, and looking back ſeveral times; I loſt ſight of him; I ran into Leadenhall-market, and there ſaw the priſoner walking up Paved-alley; I went up to the priſoner, and ſaid, you villain, what do you do with that bundle; it was tied up in a ſilk handkerchief; he kept hold of the bundle, till a porter belonging to the houſe came up and took it from him. I ſaw it opened at the Poultry Compter; it contained brown Iriſh, I believe they call it.

ROBERT PATTERSON *ſworn.*—I never ſaw the priſoner till he was in cuſtody; I only prove the property.

THOMAS PERRY *ſworn.*—*(Produces the linen).* I had it from a porter of the name of Wilkinſon.

——— WILKINSON *ſworn.*—I took it from the priſoner, in the courſe of two minutes after he was taken.

Patterſon. We had no private mark upon it; I only know it from its correſponding with the remainder of the pack; it is of the ſame quality.

Q. Do you know that ſuch a piece was miſſing?—*A.* Yes.

Croſs-examined by Mr. Knapp. Q. Other perſons in the linen trade, have goods of the ſame ſort, and the ſame quality?—*A.* Yes.

Q. And you have no mark upon it?—*A.* No.

GUILTY (Aged 24.)

Tranſported for ſeven years.

Tried by the London Jury, before Mr. Baron HOTHAM.

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263. JAMES THORNTON was indicted for feloniouſly ſtealing, on the 17th of March, 2 quart pewter pots, value 3s. and a pint pewter pot, value 6d. the property of William Herrell.

WILLIAM HERRELL *ſworn.*—I am a publican at Green Bank: The priſoner uſed my houſe for ſome time; I know nothing of the loſs of the property.

JAMES VAUGHAN *ſworn.*—I am a whiteſmith; I ſtopped the priſoner on ſuſpicion. On the 17th of March, I ſaw the priſoner come out of the houſe, with a quart pot ſticking out under his waiſtcoat; I followed him for ſome diſtance to London-wall; a perſon purſued with me, and we took him into a public-houſe; he was ſearched in my preſence, and there was found upon him three quart pots, and two pint pots; *(the officer has got them).*

FRANCIS

FRANCIS BAILEY *ſworn*.—I am a conſtable: I ſearched the priſoner; two quart pots had been been taken from him before I came up; the landlord, I believe, had taken them from him; his name is Hill.

THOMAS HILL *ſworn*.—I took theſe quart pots from the priſoner, one from under each arm; I ſent for an officer, and had him ſearched, when theſe other pots were found upon him; I put my mark upon them.

Proſecutor. I am ſure they are my pots.

Priſoner's defence. I was ſo much in liquor, that I don't know how I got them.

GUILTY (Aged 40.)

Tranſported for ſeven years.

Tried by the London Jury, before Lord KENYON.

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264. THOMAS FREAKE was indicted for feloniouſly ſtealing, on the 20th of March, a black bear muff, value 10s. a wolverean muff, value 8s. and 3 red fox muffs, value 21s. the property of Frederick Fahnert.

FREDERICK FAHNERT *ſworn*.—I am a furrier: I had occaſion to go out, about nine in the forenoon of the 20th of March; when I returned, I met the priſoner, with one or two muffs upon his arm, openly walking along; I ſuſpected him; I went in, and miſſed five muffs out of the window; I ſhut the door immediately, and went after him; a witneſs, that I have got here, laid hold of him; he had dropped ſome of the property, there is a witneſs here that picked it up; there is one of the muffs that has got a piece of one of my direction-cards put to it as a ticket; I manufactured them, I know them to be mine.

Croſs-examined by Mr. Ailey. Q. Are you a married man?—*A*. Yes; my wife was lying-in.

Q. I ſuppoſe you left ſomebody in the ſhop to ſell you goods?—*A*. I left a girl in the ſhop.

Q. Whether ſhe ſold thoſe muffs, or not, you don't know?—*A*. No.

Q. He was carrying them openly in the ſtreet?—*A*. Yes; and ſome under his coat.

Q. Whereabouts was it you met him?—*A*. About two doors from my houſe.

Q. At noon-day?—*A*. Yes.

JOHN PRICE *ſworn*.—I have a ſituation in St. James's church: I met the priſoner on Tueſday morning, the 20th of March, in Porter-ſtreet, with two muffs upon his left arm, and three under his coat; I ſaw one ſtick out behind, I pulled it out, and out dropped the other two; the proſecutor came running up the ſtreet as hard as he could; he pointed to me to ſtop the priſoner; I did not ſtop him, but the proſecutor ran up to him, and laid hold of him; I don't know who picked them up; I picked up one, and gave it to a woman who is a witneſs here, and I ſaw the other two delivered to her.

Croſs-examined by Mr. Alley. Q. You have a ſituation in the church, are you a grave-digger?—*A*. No, I am not.

Q. This was at noon-day?—*A*. Yes.

ANN TUCKER *ſworn*.—I was coming down Porter-ſtreet, and there was a cry of ſtop thief; I ſaw a great mob; I picked up four muffs, and one was given me; I took them to Bow-ſtreet. *(The muffs produced)*.

Fahnert. Theſe are my property; I can ſwear to them by the ticket and the linings; the girl never ſells any muffs; ſhe is only a common ſervant, and never ſells any thing but trifling things.

The priſoner left his defence to his Counſel, and called two witneſſes, who gave him a good character. GUILTY (Aged 18.)

Confined ſix months in the Houſe of Correction, and publicly whipped.

Tried by the firſt Middleſex Jury, before Mr. RECORDER.

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265. JAMES BOYD was indicted for feloniouſly ſtealing, on the 20th of February, 3 pounds weight of leather, value 5s. the property of Nicholas Goddard.

NICHOLAS GODDARD *ſworn*.—I live at Cove, in Hampſhire: I am a waggoner; my waggon was robbed of ſhoe leather for ſoles; I left it in the inn yard, at Hounſlow, on the 20th of February, about ſeven in the evening; when I got a few miles from Hounſlow, the next morning, I miſſed it; it was about four or five ſhillings value; I did not hear of it for ſeveral days, a little boy told me of it.

PETER WOODS, *ſworn*.—Q. Do you know the priſoner?—*A*. Yes; on Shrove Tueſday I ſaw James Boyd cut the leather out of the waggon, in Mr. Fiſh's yard, the White Bear, at Hounſlow, about half paſt eight in the evening; then he carried it down to Maſter Woods's, a broom-maker; he cut three pieces off, and ordered me to put it into our waggon.

Q. How ſoon did you tell this ſtory?—*A*. Two or three weeks after, I told Mr. Fiſh of it.

Q. Had there been any enquiry made about it?—*A*. No.

Q. How came you to conceal it ſo long?—*A*. Becauſe I was coming from Hounſlow, and he lathered me well.

Q. *(To Goddard.)* Have you ſeen the leather ſince?—*A*. Yes; Mr. Fiſh ſhewed it me.

——— FISH *ſworn*.—I keep the White Bear, at Hounſlow: Mr. Wood's waggon was at my houſe the ſame night, Mr. Goddard told me he had

had been robbed; the priſoner drove Mr. Woods's waggon, belonging to this little boy's father; the boy lives at Bagſhot with his father.

Q. Do you know where the leather was found?—*A.* Yes, I found it. This boy being beat, the priſoner was diſcharged; and the next journey they came, this little boy and his father came up, and while they were at ſupper, I aſked the little boy, if he knew any thing of a ſaw being taken from the yard, and he ſaid, yes; I aſked him if he knew any thing of any halters, he ſaid, yes, they were about the horſes heads; then I aſked him about the leather; and, in conſequence of what the boy ſaid, I went down to Bagſhot, and had him taken up. A man came up, and ſaid, if he had bought the ſtuff of him, he ſhould have been in a pretty meſs; that was in the priſoner's preſence, his name is James Draper; I aſked him, what ſtuff? and he ſaid, ſome leather. Upon that I went with the driver, and found the leather; I carried the leather to him, and aſked him if he knew any thing of it, and he ſaid, yes, he had it out of Mr. Goddard's waggon, in my yard.

Q. Did you make him any promiſes?—*A.* No.

Priſoner's defence. It is a troubleſome piece of buſineſs; you muſt ſettle it amongſt yourſelves.

GUILTY (Aged 18.)

Judgment reſpited to go for a ſoldier.

Tried by the firſt Middleſex Jury, before Lord KENYON.

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266. ANN RIDLEY was indicted for feloniouſly ſtealing, on the 31ſt of March, a gold ring, value 5s. a black gauze cloak, value 4s. a pair of cotton ſtockings, value 1s. a yard and a quarter of white thread lace, value 2s. 6d. a white cotton bed-gown, value 2s. 6d. a pair of mourning ear-rings, value 6d. a ſilk purſe, value 2d. two muſlin neckcloths, value 1s. and a muſlin handkerchief, value 3d. the property of James Flowers.

JAMES FLOWERS *ſworn.*—I am a hair-dreſſer, No. 22, Downing-ſtreet: I loſt the things mentioned in the indictment; I do not know any thing of the loſs myſelf, the priſoner was our ſervant.

SARAH FLOWERS *ſworn.*—I am the wife of the laſt witneſs: I did not miſs the property, except ſome neckcloths, and a ring, till after I had diſcharged her, and ſhe was taken; about ten days after that, the 31ſt of March, I miſſed a gold ring, and aſked her if ſhe had ſeen it, ſhe told me, ſhe dared to ſay I ſhould find it. I loſt a gauze cloak, ſix neckcloths, two pair of ſtockings, a ſheet, and a white bed-gown, white thread lace, and other things; my cloak was taken out of a box, and part of them out of the drawers.

Q. What does your family conſiſt of?—*A.* My huſband, myſelf, and my ſervant. The conſtable found part of the things in her box at her lodgings, and ſome more at a waſher-woman's; the conſtable has the property.

WILLIAM MESSENGER *ſworn.*—*(Produces a black gauze cloak, and the other things).* I apprehended the priſoner at her lodgings, on Saturday the 31ſt of March. Theſe things were all found in her box, except the cloak, which hung up, and the ring, which was in her pocket.

Q. (To Mrs. Flowers). Look at that ring?—*A.* That is the ring that I have loſt, I know it perfectly well; I know the cloak to be mine; and theſe ſtockings are marked with my huſband's name.

MARTHA PLUMMER *ſworn.*—*(Produces another parcel of things).* I received theſe from the priſoner to waſh, the latter end of March.

The Priſoner's defence was read as follows:

"My Lords, and Gentlemen of the Jury. Being deſtitute of money, and at a great diſtance from my relations, not being able to fee Counſel to defend me, I therefore throw myſelf upon the mercy of the Court, and crave the indulgence of the Court, to ſtate the following facts:—I came from the North, applied to an office, engaged myſelf to Mrs. Flowers. It is not my wiſh or intention to diſcover what I know of Mrs. Flowers; it is enough for me to ſay, that I found myſelf in a ſituation ill-ſuited to the virtuous habits in which I had been bred, and I gave her warning; I determined to leave her ſervice, which I had an opportunity of doing one day ſuddenly, Mrs. Flowers being very much in liquor. In the morning of that day, I found a ring upon the carpet, intending to give it to Mrs. Flowers. The day before I went away, ſhe examined my box, and in the hurry I forgot to take the key with me; when I came the next day for the box, Mrs. Flowers muſt remember the readineſs with which I even invited an examination of my box. Conſcious of my own innocence, my aſtoniſhment, however, upon the box being opened, was beyond deſcription; thoſe articles were not there the preceding night, nor did I ſee any of them till after I was in cuſtody; and they muſt have been put there with a view to my deſtruction."

Q. (To Mrs. Flowers.) Remember you are upon your oath, who lodged with you?—*A.* Lady Ophemia Stuart, Lord Grenville's ſiſter; nobody elſe has lodged there ſince ſhe has been in the houſe, nor for ten weeks before.

Court. Priſoner, that is the defence you have thought proper to make, who wrote that defence for you?—*A.* A gentleman of the name of Middleton, Mr. Kirby knows him very well.

Court. How long have you known Mr. Middleton?—*A.* No longer than I have been in priſon.

Court.

Court. Q. Who introduced Mr. Middleton to you? —*A.* He ſaw me when I firſt came into the priſon.

GUILTY (Aged 19.)

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury, before Mr. Baron HOTHAM.

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267. SAMUEL COOPER was indicted for feloniouſly ſtealing, on the 15th of September, two geldings, value 20l. the property of George Crouch.

GEORGE CROUCH *ſworn.*—On the 15th of September, Glover and Cooper came into my yard to order two horſes to go to Rocheſter; inſtead of that, they went to Oxford, and ſold them both. I found one of them at the Angel, at Oxford; I have not found the other yet.

Q. When was it you found this horſe at Oxford?—*A.* About a week after, and that I brought home.

Croſs-examined by Mr. Knapp. Q. Had you ever ſeen the priſoner at the bar before that time?—*A.* Not till he came to hire the horſes, the night before they took the horſes out of the yard.

JOHN PROBERT *ſworn.*—I live at Oxford; I keep the Roebuck: The priſoner at the bar, and Glover, came to my houſe in the evening of the 15th of September. I have known the priſoner five or ſix years, he was a gentleman's ſervant, and lived along with one Miſs Finch, in Oxford, juſt oppoſite me. I did not ſee them the night they came in; the next day was market day, and they dined at my houſe, at the ordinary. After dinner, they ſhewed the horſes out to ſale; ſhewed one to Mr. Crook, a fellmonger; they did not agree for price; and Mr. Bulley, at the Angel, had wanted to buy a horſe, and I bought the horſe for him; I gave eight guineas for it; I paid the money upon the table, and Glover took it up; but the priſoner told me that that was his brother, that his name was Cooper, or elſe I ſhould not have bought the horſe. He told me, that his brother had taken the Turf Tavern, at Shrewſbury, and he was going down to help him; and he ſaid, that his brother muſt go off that night by the mail-coach, or elſe he would not have ſold the horſe.

Q. How long did the priſoner ſtay at your houſe?—*A.* He did not lie at my houſe. Glover went away that night.

Q. Have you ſeen the horſe ſince Crouch had it back again?—*A.* No. The priſoner bore a very good character at Oxford for five or ſix years.

WILLIAM THOMAS *ſworn.*—I was in Oxford-market on the Saturday, and I chopped with one of the men for a horſe, and paid the money at Probert's houſe; there were two men together, but I did not know any thing of them; I do not know whether the priſoner is either of the men, or not; I cannot ſwear to him. I ſold the horſe at Reading-fair. Mr. Probert told me he knew the man.

Probert. I bought the horſe that Thomas chopped with the priſoner at the bar for, and ſold him again.

Q. Is there any body here from the Angel?—*A.* Nobody.

JOHN WARREN *ſworn.*—I am a conſtable: I apprehended the priſoner and brought him to town. I know nothing about the horſe.

Priſoner's defence. I went with Glover to hire the horſes; I told Mr. Crouch I was going to take an inn, at Rocheſter. We went to Oxford; Glover told me he had left money for the horſes with Mr. Crouch; I told him, I would take my chance of going on foot; we went on to Oxford that night, and went to Mr. Probert's; we put up there that night. The next day, a young woman was in company with us for ſome time, who lived a fellow-ſervant with me. We were going to ſee the Colleges, and he ſaid, he would wiſh to paſs as my brother, to ſave expences in ſeeing the Colleges. After we returned, John Glover had the horſe out upon ſale. Before I returned, I was aſked if the horſe was mine; I ſaid, no, in the preſence of Mr. Probert, that I had nothing to do with it; and Mr. Probert ſaid, he would have it at eight guineas. The following day, Glover offered this horſe to Thomas, and changed with him. Glover went away that night without paying the bill. I was going down to Shrewſbury, and was ſo reduced, that I went to Shropſhire upon five ſhillings.

GUILTY **Death.** (Aged 34.)

Tried by the firſt Middleſex Jury, before Mr. Juſtice BULLER.

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268. MARY DELAHAYE was indicted for feloniouſly ſtealing, on the 21ſt of March, two quart pewter pots, value 1s. 6d. the property of Nicholas Allſtram.

NICHOLAS ALLSTRAM *ſworn.*—I keep a public-houſe in Meeting-houſe-alley, St. George's, Middleſex: On the 21ſt or 22d of March, I loſt two quart pots out of the tap-room; the priſoner was in the tap-room a conſiderable time; ſhe was going away, and I ſeized her with the pots in her apron. *(Produces them).* They have my marks upon them.

ELEANOR LIGHTHORN *ſworn.*—I live at Mr. Allſtram's: The priſoner was there on the 21ſt of March; I ſaw my maſter take one pot from under her apron, and one from behind her, in the paſſage. Theſe are the pots, they have my own private mark upon the bottom of them. It was between eight and nine in the evening.

The

The priſoner denied the charge, and called two witneſſes, who gave her a good character.

GUILTY (Aged 55.)

Confined ſix months in the Houſe of Correction, and fined 1s.

Tried by the firſt Middleſex Jury, before Mr. Baron HOTHAM.

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269. GEORGE COLLINS was indicted for feloniouſly ſtealing, on the 8th of April, ſix muſlin caps, value 12s. twelve muſlin neck-handkerchiefs, value 6s. three linen pocket-handkerchiefs, value 3s. and three muſlin pocket-handkerchiefs, value 3s. the property of Thomas Galpine.

THOMAS GALPINE *ſworn.*—I live in Hyde-ſtreet, Bloomſbury, I am a publican: The priſoner came into my houſe between eight and nine o'clock in the evening, on the 8th of April, Sunday evening, and called for a pint of porter, I drew him a pint of porter, and went out; when I returned, I aſked where he was gone, becauſe I ſuſpected him, and in about five minutes, I went backwards in the pantry, and found him wringing wet linen, that he had taken out of a large pan, and putting them upon the table; he immediately ran into the privy with a cap in his hand.

VALENTINE ROMLEY *ſworn.*—I am a watch-houſe-keeper, *(produces the things)*; I have had the things ever ſince.

—— WEBSTER *ſworn.*—I am a watchman: I had the property from the proſecutor, and delivered them to Mr. Romley.

Priſoner's defence. I was very much in liquor, I am very innocent of the charge; I never was in the yard nor touched a thing.

GUILTY (Aged 28.)

Confined ſix months in the Houſe of Correction, and fined 1s.

Tried by the firſt Middleſex Jury, before Mr. Juſtice BULLER.

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270. THOMAS COLE was indicted for feloniouſly ſtealing, on the 28th of March, twenty-five yards of Kidderminſter carpet, value 37s. the property of Alexander Pringle.

ALEXANDER PRINGLE *ſworn.*—I live at No. 54, Rathbone-place: I loſt a piece of Kidderminſter carpet containing twenty-five yards, on the 28th of March; I had loſt ſeveral articles, and I determined to watch; about ſeven o'clock in the evening of that night, I was concealed in the ſhop, lying upon a ſofa, for the purpoſe of watching; I ſaw the priſoner come in, he looked about him, and took a piece of carpeting out of the window, and went away with it; I purſued him, and he threw down the carpet, and ran away; I followed him till one of the witneſſes ſtopped him, he was never out of my ſight. I took him before a Magiſtrate.

Croſs-examined by Mr. Knapp. Q. What time of the night was it?—*A.* About ſeven o'clock in the evening.

Q. It was dark?—*A.* No, not quite.

Q. There was a light in the parlour?—*A.* There was a candle.

Q. The carpet was in the window, a good way from the parlour?—*A.* Somewhere about two feet.

Q. The candle did not reflect a great deal of light into the ſhop?—*A.* No.

Q. You could not diſtinguiſh the perſon of the man?—*A.* Yes, I could; I never loſt ſight of him.

Court. Q. Have you any doubt in the world of the perſon of the priſoner?—*A.* None.

GEORGE JEFFERYS *ſworn.*—On the 28th of March, I was going up Tottenham-court-road, and heard a cry of ſtop thief, I went up to aſſiſt, and ſtopped the priſoner.

JANE GUTHRIE *ſworn.*—I ſaw the priſoner go into the proſecutor's ſhop; I am ſure he is the ſame man; I did not ſee him come out again. I picked up the carpet. *(The carpeting produced).*

Court. (To Proſecutor.) Q. Is that Kidderminſter carpeting?—*A.* Yes. GUILTY.

Tranſported for fourteen years.

Tried by the firſt Middleſex Jury, before Lord KENYON.

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271. ANN WHITE was indicted for feloniouſly ſtealing, on the 10th of April, four curtains, made of woollen and linen, value 12s. the property of James Anderſon.

JAMES ANDERSON *ſworn.*—I am a broker: I miſſed ſome curtains, made of woollen and linen, on the 10th of April, I have ſince ſeen them in a pawnbroker's-ſhop.

LEVI MYERS *ſworn.*—I am ſervant to a pawnbroker, *(produces the curtains)*; I took them in of Mary White, on the 10th of April.

Q. Was it the priſoner at the bar, her name is Ann White?—*A.* Yes; but ſhe always went by the name of Mary White.

Anderſon. Theſe are my curtains.

Priſoner's defence. They are not his curtains, I have had them ever ſince the year 1784.

GUILTY.

Confined ſix months in the Houſe of Correction, and fined 1s.

Tried by the firſt Middleſex Jury, before Mr. Juſtice BULLER.

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272. FRANCES WATSON was indicted for feloniouſly ſtealing, on the 17th of February, four pounds weight of mutton, value 1s. 6d. the property of James Phillips.

JAMES

JAMES PHILLIPS *ſworn*.—I am a butcher, in Whitecroſs-ſtreet: On the 17th of February, I loſt a breaſt of mutton, about four pounds and a quarter; I did not ſee the priſoner take the mutton, but I was cloſe to her when ſhe threw it down, I laid hold of her directly.

CATHERINE NEWTON *ſworn*.—I ſet oppoſite to Mr. Phillips's with a green-ſtall: I ſaw the priſoner take the breaſt of mutton away, and I told the man of it.

Priſoner's defence. I am a very poor woman come out of a fit of ſickneſs, I acknowledge my fault, and hope for mercy.

GUILTY (Aged 50).

Privately whipped and diſcharged.

Tried by the firſt Middleſex Jury, before Mr. Juſtice BULLER.

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273. JOHN THOMPSON was indicted for feloniouſly ſtealing, on the 1ſt of March, a pair of velveteen breeches, value 4s. the property of Abraham Rees.

ABRAHAM REES *ſworn*.—I live at No. 137, St. Martin's-lane: On the 1ſt of March the priſoner came into my ſhop under pretence of buying a pair of ſmall cloaths, I gave him ſeveral pair to try, he tried them; I aſked him ſeven ſhillings for a pair, and he offered me ſix; I told him I could not take leſs. I miſſed a pair of ſmall cloaths as ſoon as he was gone; I fetched him back again, and found this pair inſide of his; theſe are them, they have my private mark upon them.

Croſs-examined by Mr. Alley. Q. Are they velveteen breeches?—*A*. They are.

Q. Did not you ſtand by him while he tried them on?—*A*. No.

The priſoner did not ſay any thing in his defence, but called two witneſſes, who gave him a good character.

GUILTY (Aged 49.)

Privately whipped and diſcharged.

Tried by the firſt Middleſex Jury, before Mr. Juſtice BULLER.

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274. JAMES WOOD was indicted for feloniouſly ſtealing, on the 16th of February, a written paper book, bound in leather, value 2s. the property of the Eaſt India Company.

Second Count. For feloniouſly ſtealing five pounds weight of paper, value 2s. the property of the Eaſt India Company.

The caſe was opened by Mr. Knapp.)

JOSEPH HILLMAN *ſworn*.—*Examined by Mr. Knapp*. I am a clerk in the Eaſt-India Houſe; I have known the priſoner five years, he was there as an extra clerk in the ſecretary's department, where the books of correſpondence of the Eaſt-India Company are kept, there were preſſes on purpoſe for them: On the 28th of February, I think Wedneſday, I had occaſion to go to the ſhop of Mr. Hales, after ſome ham, he keeps a ham-ſhop in Fenchurch-ſtreet; while Mr. Hales was cutting the ham, I ſaw ſome paper which laid on ſome ham; as ſoon as I put my eyes on it, I ſaw that they were Bombay papers, and had the appearance of part of the records belonging to the Company; I aſked him to give me a ſheet of that paper, which he did; I went to the India-houſe immediately, and enquired if there had been any books loſt; upon ſearch, it was diſcovered that there had been a part of the records of the Company loſt; upon that, I was ordered to take Mr. Wall, and go to Mr. Hales's houſe, which we did, and there we diſcovered theſe papers which I have in my hand; Hales delivered them up. *(Produces them)*.

Q. Are they papers belonging to the India Company?—*A*. Yes; they are part of the Company's records that have been loſt from the India-houſe.

Q. You have no doubt that theſe were the papers that had been miſſed from the India-houſe?—*A*. I am fully convinced that they belonged to the India Company's records.

Q. Did you then go back to the India-houſe?—*A*. I was then ordered to go to Mr. Hales's, and deſire he would come up to the Houſe; Mr. Hales did come up; I was ordered to get a conſtable, which I did; when Mr. Hales came, he identified the priſoner as being the perſon of whom he had bought the papers; he was taken into cuſtody, and committed to the Poultry Compter that night.

Q. Did he ſay any thing at the time he was taken up?—*A*. I was not in the India-houſe at the time.

WILLIAM HALES *ſworn*.—I have kept a ham-ſhop many years, No. 117, Fenchurch-ſtreet: I remember buying, about the 28th of January, of the priſoner, about three pounds of paper, which he brought under his arm; I put it in the ſcale, it weighed three pounds, and I paid him nine-pence for it.

Q. Did you buy of him more than once?—*A*. Yes; for theſe three or four years, at different times, or upwards.

Q. *(To Hillman.)* Theſe papers that you have produced in Court, from whom did you receive them?—*A*. From Mr. Hales; I have had them ever ſince.

Q. *(To Hales.)* Look at theſe papers, and tell me if they are the ſame papers?—*A*. I believe they are; I did not take particular notice of them.

Court. Q. You buy a great deal of paper, I dare ſay?—*A*. Yes; almoſt every day.

Court. Q. And can you, buying a great deal of paper, ſay that you bought that paper of that man?—*A*. Yes; I can.

Mr. Knapp.

Mr. Knapp. Q. What did he ſay when you went to the India-houſe?—*A.* He fainted away as ſoon as he ſaw me; he at firſt denied it, and ſaid he had not ſold me any paper a long time; I told him I had bought it of him only four or five days before.

MATTHEW WALL *ſworn.—Examined by Mr. Knapp.* Q. You are regiſter to the library of the India Company?—*A.* Yes.

Q. Are theſe the records of the India Company?—*A.* They are; I have had them under my care theſe twenty-ſeven years.

Q. Were you preſent at the apprehenſion of the priſoner by the conſtable?—*A.* Yes.

Q. Did any converſation take place upon that?—*A.* Not a ſyllable.

Court. Q. How were theſe papers kept, under lock and key?—*A.* No.

Q. Had the priſoner acceſs to them?—*A.* Yes; he wrote in that very office.

Q. To what amount have you miſſed them?—*A.* About fifty different books, and ſome very important ones.

Q. How long have you known him in the office?—*A.* I remember him twelve years upon a certainty. He might have got eighty pounds a year, but he would not do it.

Q. *(To Hales.)* When he ſold you this book, did he ſell you the leather?—*A.* No.

Priſoner's defence. Firſt, my Lord, I would recommend myſelf to you and a merciful Jury; and, in the next place, would recommend myſelf by ſix ſmall children to the mercy of the whole Court, and plead not guilty in the cauſe in which I now ſtand. Firſt, I have received of this ſaid Matthew Wall, at ſeveral different times, by purchaſe and by gift; and, in all probability the ſame that is laid before the Gentlemen of the Jury and the Counſel; and with reſpect to the covers of the books, Mr. Wall might bring one hundred to criminate me, as the nature of the buſineſs is to have the books cut up, delivered out in ſections, and put into forty or fifty different hands, and the covers go to Mr. Wall, by way of emolument, to ſell or give away, as ſeemeth to him beſt. I have ſtood unimpeached for eighteen years in the Company's ſervice, and give me leave to ſay, Gentlemen of the Jury, that this is done more out of ſpite than any thing elſe; and not only that, the place where I was ſituated to write, from whence I am charged with felonioufly ſtealing and taking away books, is in as public a place as the Royal Exchange, where there are all comers and goers paſſing and repaſſing from ſix in the morning to nine at night, where hundreds of papers and books are lying, and have been lying about the floor for ſeveral years; books of the ſame kind, that every body can look at as they paſs by, and take away as they pleaſe; and, becauſe I am a poor unfortunate man, it is laid to my charge. In the public office, they are lying bound and unbound; and not only that, there are men that have keys to the office, that go into the office before any of the clerks come in the morning; and beſides, the ſaid Matthew Wall has got a key to go in and out when he pleaſes; and there are ſeveral that are under him.

Priſoner. (To Wall.) Q. Can you ſwear, in the ſight of God, that I took theſe papers and books?—*A.* No.

Priſoner. Q. Do not you recollect, about three months ago, you had like to have brought me into the ſame diſagreeable ſituation, by ſelling or giving away ſome papers or books?—*A.* There never were any books given away or ſold.

Court. Q. Did you ever ſell or give away, or is it the cuſtom of the office to have the backs of books torn off?—*A.* Outſide papers, but never any books or records that come from India.

Priſoner. Q. Do not you know Norton-Falgate?—*A.* Yes.

Q. Don't you recollect the tripe-ſhop there?—*A.* Yes.

Q. Do you recollect Mr. William Thompſon bringing news to the houſe of ſome written papers, when I had like to have been in this diſagreeable ſituation before, when you yourſelf confeſſed you had ſold and given them away?—*A.* I never ſaid ſuch a thing in my life.

Court. Q. Have you ever had any diſpute or animoſity of any kind with the priſoner?—*A.* Never; on the contrary, I have given him ſeveral half-guineas.

GUILTY.

Tranſported for ſeven years.

Tried by the London Jury, before Mr. RECORDER.

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275. FORDIA, otherwiſe FORDER SHEPHERD was indicted for feloniouſly ſtealing, on the 19th of July, a ſilver ink-ſtand, value 3l. four ſilver table-ſpoons, value 40s. and three ſilver deſert ſpoons, value 25s. the property of John Clarke, in his dwelling-houſe.

JOHN CLARKE *ſworn.*—All that I know is, that I was deſired by my ſervant, who put a letter into my hand, to go to a place to which it directed me, immediately, a perſon being very ill; and I went there, but no ſuch perſon was to be found. All I can prove is, that the property is mine.

DAVID LEBOURNE *ſworn.*—I live with Mr. Clarke, No. 1, New Burlington-ſtreet, in the pariſh of St. James's:* On the 19th of July laſt, the priſoner came to the door with a double rat-tat-tat; I

* The indictment ſtated it to be in the pariſh of St. Giles's, which deſtroyed the capital part of the charge.

to

went to the door, and he aſked if Dr. Clarke was at home; he ſaid, he had come from Dr. Oſborne's, and was informed that Dr. Clark did Dr. Oſborne's buſineſs in his abſence, which I knew he did; and he ſaid, if I knew where my maſter was, he would write a note, which note I ſhould take to him. I waited while he wrote the note, and I went after my maſter with it to St. Bartholomew's Hoſpital; I might be gone about an hour and ten or twenty minutes; he was to wait till I came back; when I returned, he was gone; I miſſed a ſilver ink-ſtand, which I put upon the table for him to write the note with, four table ſpoons, and three deſert ſpoons. They were all in the parlour before dinner-time; I never found the property again.

Q. When did you ſee the priſoner again?—*A.* I look upon it about two months afterwards: I was coming up Holles-ſtreet, Cavendiſh-ſquare, behind my maſter's carriage, and ſaw the priſoner half way up the ſtreet, I knew him directly; I called to the coachman, and told him; I got down, and ran to the top of Holles-ſtreet, the priſoner was then out of ſight, and I ſaw no more of him; he ran away inſtantly upon his ſeeing me, and I loſt him. He was not taken upon our account at all; he was taken for another offence.

Q. Have you any doubt as to the man?—*A.* No; I am perfectly ſure he is the man.

Priſoner. I know nothing of it.

JAMES FORD *ſworn.*—I have known the priſoner two or three years; he has been in a ſituation where he had it in his power to take plate from me.

(Dr. Clarke produced the letter).

Lebourne. This is the note that I took to my maſter.

GUILTY of ſtealing to the value of 39s.

Tried by the firſt Middleſex Jury, before Mr. Baron HOTHAM.

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276. FORDIA, otherwiſe FORDER SHEPHERD, was again indicted for feloniouſly ſtealing, on the 20th of March, four ſilver table-ſpoons, value 40s. two ſilver tea-ſpoons, value 5s. and a pair of ſilver ſugar-tongs, value 6s. the property of James Wilſon, in his dwelling-houſe.

ELIZABETH HALL *ſworn.*—I am ſervant to Mr. Wilſon, in Great Queen-ſtreet: On Tueſday the 20th of March, Shepherd came to the door, and aſked if my maſter was at home, I ſaid no; then he aſked if the footman was at home, and I ſaid no; then he aſked for pen, ink, and paper, and I ſhewed him into the parlour; he ſaid the fire was very bad, and aſked if I had got any fire any where elſe; he aſked to go up to look at my maſter's drawing-room grate, and I ſhewed him up, and I came down, and left him in the drawing-room.

Q. What did you leave him there for?—*A.* I came down, and thought he would follow me.

Q. Had he wrote any thing below ſtairs?—*A.* Yes, he wrote a note, and put it into his pocket.

Q. How long did he ſtay?—*A.* I cannot juſtly ſay how long he ſtaid in the drawing-room; I was in the kitchen; hearing the ſpoons rattle, I went up ſtairs, and ſaw him go out at the back door; I ran after him, and cried ſtop thief.

Q. Did he let the ſpoons fall, when you heard them rattle?—*A.* No, they rattled in his pocket; the back door opens into the new yard.

Q. Were you alone in the houſe?—*A.* I was the only one in the kitchen; but there was my miſtreſs and the children up ſtairs; he was taken preſently after; he was brought back to our houſe, and I ſaw four table ſpoons, two tea ſpoons, and the ſilver ſugar tongs, taken from him.

Q. Where had he taken them from?—*A.* I cannot juſtly ſay.

Q. Do you recollect what part of the houſe they had been left in?—*A.* My fellow-ſervant can tell.

Q. Do you know them to be your miſtreſs's ſpoons?—*A.* Yes.

Q. How long had you been down in the kitchen, before you heard the rattling of the ſpoons?—*A.* A very little while.

RICHARD MITCHELL *ſworn.*—I live with Mr. Wilſon: I was not at home at the time this happened; the ſpoons that were taken from the priſoner had been left upon the ſide-board, at the top of the ſtairs, by the dining-room door, in a tea-tray.

Q. At what time of day had you ſeen them there laſt?—*A.* A little after twelve; I know no more of it.

JOHN BARRETT *ſworn.*—On the 20th of March, I ſaw the priſoner running up Prince's-court, between twelve and one, at the ſame time crying ſtop thief; I followed him, ſuppoſing there was a thief coming down Drury-lane, but not ſeeing any body but himſelf, he ſtill running, crying ſtop thief, I purſued him, and took him; I brought him back; not ſeeing the maid ſervant, but a mob of people; nobody owned him; I brought him into Great Wild ſtreet, where I ſaw the ſervant maid; I took him to Mr. Wilſon's; I ſearched him, and took out of his pocket, four table ſpoons, two tea ſpoons, a pair of ſilver ſugar tongs, a letter, and a pocket handkerchief; after that I took him to Bow-ſtreet.

RICHARD ARCHER *ſworn.*—On the 20th of March, I aſſiſted Mr. Barrett in taking him back to Mr. Wilſon's houſe; I ſaw the property found.

(Barrett produced the property, and the letter that he wrote).

Mitchell. Theſe are all the property of Mr. Wilſon.

Q. (To

Q. *(To Barrett.)* What is the value of theſe things?—*A.* We have had them weighed, and they weigh upwards of ten ounces, they are worth fifty ſhillings.

GUILTY **Death.** (Aged 36.)

Tried by the firſt Middleſex Jury, before Mr. Baron HOTHAM.

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277. MICHAEL SULLIVAN was indicted for feloniouſly ſtealing, on the 29th of March, a cloth great coat, value 6s. the property of John Reading.

JOHN READING *ſworn.*—I live with a gentleman at Richmond: I loſt my great coat on Wedneſday the 29th of March laſt, from Jermyn-ſtreet, St. James's, where I lodged; I was out when it was loſt; I had hung it on a peg in the paſſage, at Mr. Bennington's; I ſaw the coat immediately after the priſoner was taken, I had it from Mr. Bennington.

JOHN BENNINGTON *ſworn.*—I keep a houſe in Jermyn-ſtreet, St. James's: Mr. Reading, and his maſter, Mr. Monk, both lodged at my houſe; on the 29th of March laſt, I was ſhutting up my ſhop, about two minutes after nine; I was bringing out the ſhutters, and the priſoner and two other boys ran againſt me with the ſhutters, I had the ſhutters upon my arm, one of them begged my pardon; I went on with my ſhutters, and they ran away from the door; the great coat hung in the paſſage; and, ſeeing them go from the door, I immediately went to the paſſage, and miſſed the coat; I purſued them immediately; they were all three running, one before the other; I paſſed him that was the hindmoſt, and laid hold of the priſoner, who went firſt, and I ſaw the coat upon him, I immediately laid hold of him, and called the watch; the other two ran away.

Reading. This is the coat which I have on now.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury, before Lord KENYON.

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278. JAMES ROBERTS was indicted for feloniouſly ſtealing, on the 20th of February, a pair of leather half-boots, value 8s. and another leather half-boot, value 3s. the property of James Coleman.

JAMES COLEMAN *ſworn.*—I am a ſhoe-maker, No. 45, Broad-ſtreet, St. Giles's: On Shrove-Tueſday, the 20th of February laſt, I loſt a pair of boots, and an odd one, from my cellar head, where they hung up for ſale; a man came up firſt to me, and then two others came up; two of them called this man at the bar father, and one of them wanted a pair of ſhoes; while I was fitting a pair on, the other cut a pair of half-boots down, and ran away, and the priſoner prevented me from going after him.

Q. Are you ſure that that man is one of the three?—*A.* Yes; and the next day, one of them came, and ſnatched at the other odd boot.

Priſoner's defence. I went down to buy a pair of ſhoes, and while I was down there, he ſaid he had loſt a pair of half-boots; and a day or two after I was going paſt, and he followed me, and took me up; I do not know any thing at all about it.

GUILTY (Aged 40.)

Confined ſix months in the Houſe of Correction, publicly whipped, and diſcharged.

Tried by the firſt Middleſex Jury, before Mr. Baron HOTHAM.

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279. JAMES PAGE was indicted for feloniouſly ſtealing, on the 5th of March, a ſilver watch, value 30s. and a ſeal ſet in metal, value 1s. the property of William Smith.

William Smith and John Williams were called, but not appearing, their recognizances were ordered to be eſtreated.

NOT GUILTY.

Tried by the firſt Middleſex Jury, before Lord KENYON.

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280. WILLIAM MOORE was indicted for feloniouſly ſtealing, on the 18th of March, a linen ſhirt, value 5s. and a pair of worſted ſtockings, value 2s. 6d. the property of George Danes.

GEORGE DANES *ſworn.*—I live in Well-ſtreet, Oxford-road: I was going on board a ſhip along with captain Moore, and the priſoner, two years ago, and he told me to come at five o'clock in the morning, and he was gone; he had taken a ſhirt and a pair of ſtockings with him; I did not ſee him take them.

Q. Did you ever find a ſhirt and ſtockings upon him?—*A.* No. I met him laſt ſummer in Berner's-ſtreet, and he told me, if I called upon him in Caſtle-ſtreet, he would give them me.

Q. Did he carry them for you, or what?—*A.* I gave them to Mrs. Moore, and ſhe ſaid ſhe had put them in captain Moore's box; I went to the houſe that he directed me to, when he ſaid he would give them me; I went, and he did not live there; he ſaid he was captain of the Satisfaction ſloop of war, and I made enquiry, and found he never was on the books of the Admiralty; he told me I need not bring more than one ſhirt and a pair of ſtockings, becauſe he had bought me a ſet of check ſhirts.

Q. And you gave him this ſhirt and ſtockings to take on board for you?—*A.* Yes.

Q. Where

Q. Where did he ſay the ſhip lay, was it in the port of London?—*A.* I do not know.

Q. You ſay there was no ſuch ſhip as the Satisfaction ſloop of war?—*A.* Yes, but he never was on board her; and I never heard of him again till I took him. I met him laſt ſummer; and did not ſee him again till laſt Friday, when I ſaw him at Bow-ſtreet; he was taken up for ſomething elſe.

Q. Have you any doubt about his perſon?—*A.* No; I am ſure he is the ſame perſon that had the ſtockings and ſhirt of me.

Priſoner's defence. The proſecutor left the ſhirt and ſtockings with Mrs. Moore; I had been arreſted for debt a few days before; and upon my being liberated, I did not return to my houſe at Hampſtead, but went to ſea, leaving the ſhirt and ſtockings in the hands of the landlady.

GUILTY (Aged 50.)

Tranſported for ſeven years.

Court. Priſoner, you have been a very cunning man; I dare ſay, and I hope travelling will benefit your mind a little.

Tried by the ſecond Middleſex Jury, before Lord KENYON.

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281. SARAH M'DANIEL was indicted for feloniouſly ſtealing, on the 23d of March, two hempen ſacks, value 5s. 6d. the property of Thomas Anderſon.

RICHARD RUSS *ſworn.*—I live with Mr. Thomas Anderſon, in Thames-ſtreet, a coal-merchant: On the 23d of March we loſt two ſacks from the corner of Bell-yard, in Golden-lane, out of the waggon that I drove; I was in the houſe taking the money for ſhooting; there was another man ſtanding by the horſes, that ſaw the priſoner take them; I had twenty-eight ſacks in my waggon; I purſued her, and ſaw them taken from her.

WILLIAM HICKES *ſworn.*—I was with Mr. Anderſon's waggon: I ſaw the priſoner take two ſacks out of the waggon; I went after her directly, and took them from her.

CHARLES EDMUNDS *ſworn.*—I am a conſtable, *(produces the ſacks);* Ruſs had them in his care till they came to Hicks's-hall.

Ruſs. Theſe are the ſacks; I marked them when they were taken from the priſoner; I know them to be Mr. Anderſon's.

Hickes. Theſe are the ſame ſacks that the priſoner took from our waggon.

Priſoner's defence. I did not take it from out of the waggon; I picked it up, there was but one.

GUILTY (Aged 49.)

Confined ſix months in the Houſe of Correction, and fined 1s.

Tried by the firſt Middleſex Jury, before Mr. Baron HOTHAM.

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282. THOMAS MARTIN was indicted for feloniouſly ſtealing, on the 17th of March, three ſilver ſhoe-buckles, value 15s. the property of John Bateman.

JOHN BATEMAN *ſworn.*—I live in Red-lion-ſtreet, Whitechapel, I am a hardwareman and ſilverſmith: On the 17th of March, I loſt three ſilver ſhoe-buckles out of the ſhew-glaſs in the window; the glaſs was broke about two o'clock in the day, I was out at the time.

—— BROWN *ſworn.*—I live facing Mr. Bateman: On the 17th of March, about two o'clock in the day, as I was going on an errand for my miſtreſs, I heard the glaſs crack, I looked round, and ſaw Thomas Martin and another boy at the window, they ran two different ways; a little while after that, I ſaw Thomas Martin come back, and he took three ſilver buckles out, and went away, putting them in his pocket.

Q. Did you know the priſoner before?—*A.* No.

Q. Are you very ſure you are not miſtaken as to his perſon?—*A.* Very ſure.

ISAAC NATHAN *ſworn.*—I was going paſt Mr. Bateman's, and ſaw a whole ſet of boys going backwards and forwards, and the priſoner was amongſt them; I thought ſomething was going forward, I turned round, and ſaw the priſoner take the buckles out of Mr. Bateman's window.

Q. You are ſure as to his perſon?—*A.* Yes.

Q. Did you know him before?—*A.* No; only I was in Roſe-lane one day, when I heard him make uſe of an expreſſion to his mother that is not fit to mention.

GUILTY. (Aged 14.)

Confined a fortnight in Newgate, and publickly whipped.

Tried by the firſt Middleſex Jury, before Lord KENYON.

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283. SARAH HERMAN was indicted for feloniouſly ſtealing, on the 19th of March, a cloth coat, value 10s. a pocket-book, value 6d. and a pair of leather gloves, value 2d. the property of John Burton.

JOHN Burton *ſworn.*—I am a grocer and cheeſemonger: On the evening of the 19th of March, I loſt a great coat out of the paſſage adjoining the ſhop, with a pocket-book, and a pair of gloves, in the pocket; I hung it up in the paſſage about five o'clock, and about eleven I miſſed it, I have ſeen them ſince. The priſoner was up one pair of ſtairs in the courſe of the evening, but I could not ſwear to her only from her voice, I took her up the following morning, the 20th of March; as I was going to Juſtice Wilmot's office, I enquired at ſome pawnbrokers, in Shoreditch, and found the great coat. I made her ſeveral overtures that I would forgive

forgive her if ſhe would tell me the truth, and ſhe very willingly owned to it.

Court. Then, Gentlemen, I think the proſecutor has ſaid enough to induce you to forgive her alſo.

NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. Baron HOTHAM.

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284. JOHN GIBBS was indicted for feloniouſly ſtealing, on the 2d of April, a peck of canary ſeed, value 1s. 6d. the property of Daniel Grimwood and William Whites.

(The caſe was opened by Mr. Alley.)

JAMES SALMON *ſworn.*—I am ſervant to Daniel Grimwood and William Whites, nurſery and ſeedſmen, the priſoner was a ſervant of their's: On Tueſday the 3d of April, between five and ſix in the afternoon, I heard a noiſe in the inner part of the warehouſe, and ſaw the priſoner there, he reached his arm under the boards, pretending he was looking for a holly-ſtick that he had cut ſome time before; I had no ſuſpicion of him, but ſeeing him move a tub, as if it was to cover ſomething, I ſaw this bag under the tub, I took no notice of it, but acquainted my maſter with it, and he deſired me to watch for him; about ſeven o'clock he came through the hedge, and came to the hole which was in the warehouſe, I heard him making a noiſe, endeavouring to move the tub; it got from the place where I was concealed, and I ſaw him take the bag out, and then I opened the door upon him, he dropped the bag and ran off; I purſued him to the corner of the warehouſe, and I caught hold of him; ſays I, what have you been about here; I told him I had ſeen him take the ſeed; then he began crying, and begged I would not ſay any thing about it; he ſaid, it was only ſome ſeed for ſome birds, and he would give me two of the young ones; I told him Mr. Whites knew of it, and I could not ſay any thing to it. I took him to Mr. Whites, and he ſent for an officer; the bag had canary ſeed in it.

For the Priſoner.

Mr. GRIMWOOD *ſworn.*—*Q.* How long has the priſoner been in your ſervice?—*A.* Twelve years.

Q. What character has he maintained during that time?—*A.* He has been three or four times forgiven for ſimilar things.

The priſoner called two other witneſſes, who had known him ſeveral years, and gave him a good character.

GUILTY (Aged 21.)

Confined ſix months in the Houſe of Correction, and fined 1s.

Tried by the firſt Middleſex Jury, before Lord KENYON.

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285. GEORGE FREAKE was indicted for feloniouſly ſtealing, on the 13th of March, a copper boiler, value 15s. of Moſes Bullevant.

The proſecutor was called, but not appearing, his recognizance was ordered to be eſtreated.

NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. Baron HOTHAM.

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286. JAMES COOPER was indicted for breaking and entering the dwelling-houſe of Joſeph Francis, about the hour of ten in the night of the 16th of April, the ſaid Joſeph, and others of his family, being therein, with intent the goods of the ſaid Joſeph to ſteal, and ſtealing a wooden drawer, value 6d. thirty-ſix penny-pieces, value 3s. 960 halfpence, value 40s. 120 farthings, value 2s. 6d. and three ſhillings and ſixpence, the property of the ſaid Joſeph.

ELIZABETH FRANCIS *ſworn.*—I am the wife of Joſeph Francis, baker, No. 97, Upper Eaſt-Smithfield: Laſt Monday the ſhop-door was opened at paſt ten o'clock at night, I was ſitting in the parlour behind the ſhop, and heard a chink of money; it ſurprized me, I ran as faſt as I could into the ſhop, and ſaw the ſhop-door open; I ran behind the counter, and there was the till drawn out of its place, and laid upon the floor, and as I was ſtooping down to pick it up, the boy at the bar crept from under the counter, and bruſhed paſt my clothes.

Q. Are you ſure that is the boy?—*A.* Yes; I cried out, you thief, you thief; he had no ſhoes on, and he ran to the door, and jumped down three ſteps; I called watch, thieves, and he jumped almoſt into the watchman's arms, and he brought him in immediately.

Q. What was in this till?—*A.* About three pound's worth of halfpence and farthings, and three ſhillings and ſixpence in ſilver.

Q. Was he near the till when you firſt ſaw him?—*A.* Quite cloſe to it.

Q. How could the boy get there?—*A.* By opening the door.

Q. When had you laſt ſeen the drawer?—*A.* Not ten minutes before; he ſaw me ſerving a perſon with a quartern loaf, I dare ſay.

Q. Are you ſure no perſon had been in after that cuſtomer went away?—*A.* Yes; I then went and ſat down to my work in the parlour, till I was diſturbed by the noiſe of the rattling of the money.

Q. Had you no ſervants that might have gone out in the mean time?—*A.* Every body in the houſe was in bed but myſelf, and a little girl about twelve years old, and ſhe was in the room with me all the time.

Q. Who ſhut the door when the cuſtomer went away,

away, the cuſtomer or you?—*A.* I did; there is a latch to the door, and a bell upon it.

Q. Are you ſure you put down that latch?—*A.* Yes; I am ſure it was latched.

Q. Do you mean to ſwear that you paid that attention to it, that you can ſwear the latch was down?—*A.* Yes, I do; we always do it after every perſon that comes in after dark; I am ſure it was down.

Q. You ſwear that?—*A.* Yes.

Q. Did you hear your latch open?—*A.* No.

Q. Did you hear the door open?—*A.* No.

Q. It was quite dark at this time?—*A.* Yes, paſt ten o'clock.

Q. Where was your huſband at this time?—*A.* In bed. He came down in his ſhirt when I cried out.

Q. Are you perfectly ſure he is the ſame boy you ſaw in the ſhop?—*A.* I am.

Jury. *Q.* You ſay there was a bell at the door?—*A.* Yes.

Q. Did not you hear the bell go?—*A.* No. Any body might come in if they opened it gently, without the bell ringing, if they opened it with a ſteady hand.

Court. *Q.* Do not you think it more probable that he might have ſlipped in when the cuſtomer went out, than that he ſhould have opened the door?—*A.* No, he did not come in with the cuſtomer.

JOHN WOOD *ſworn.*—I am a watchman of St. John's, Wapping: I was calling the hour of ten, when Mrs. Francis called out, watch, thieves, three times; I came immediately to the door, and the boy came upon his hands and knees till he got to the door, and then he gave a clear jump down the ſteps almoſt into my arms, he was not a yard away from me; I took him back to Mrs. Francis, and ſhe ſaid he had taken the till from behind the counter; he did not ſay any thing to that.

Priſoner's defence. I have been out of work a long time, and my father and mother too; and I had been down to Blackwall to ſee for ſome work, and as I was coming home very late, and going as faſt as I could, and the watchman caught hold of me; I never was in the ſhop at all.

GUILTY (Aged 12.)

Of ſtealing to the value of 39s.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury, before Mr. RECORDER.

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287. HENRY BILLING was indicted for feloniouſly ſtealing, on the 7th of March, eighteen yards and a half of calico, value 2l. a muſlin ſhawl, value 6s. three yards and a half of linen, value 5s. another muſlin ſhawl, value 6s. a chintz ſhawl, value 10s. and a paper book bound in vellum, value 2s. the property of Robert Atkinſon and Richard Clarence.

(The caſe was opened by Mr. Matthews).

THOMAS RODWELL *ſworn.*—*Examined by Mr. Matthews.* I am warehouſeman to Meſſrs. Robert Atkinſon and Richard Clarence, linen-drapers, No. 89, Minories; they have no other partner: On Wedneſday morning, the 7th of March, we were alarmed by a watchman, between the hours of one and two, of the warehouſe door being open; we got up and went to the warehouſe door as ſoon as poſſible; upon examining the goods, we found ſome Iriſh cloths, and a great quantity of other goods removed from their places, which induced me to ſuppoſe it was done by ſomebody who knew the premiſes. The priſoner had been our porter a year and a half.

Q. Did he lodge in the houſe?—*A.* No. The ſuſpicion then fell upon the priſoner at the bar; I went, with Mr. Clarence and the watchman, to ſee if the priſoner was in bed; I knew where the priſoner lodged, we did not know the number of the houſe, it was in Cable-ſtreet, near Wellcloſe-ſquare; we rapped at the door ſome little time; the priſoner, in the courſe of a little time, looked out of the window apparently in his ſhirt; Mr. Clarence told him, he wiſhed to ſpeak to him, or wiſhed him to come down, I don't know rightly which; he then ſaid he was not up; we waited there a conſiderable time, but the door was not opened; I waited about half an hour, and then I went away.

Q. During the half hour that you waited, did you hear any thing in the houſe?—*A.* No, I did not.

Court. *Q.* What did you go away for?—*A.* I went to inform Mrs. Clarence where Mr. Clarence was. When I came back, there were ſeveral watchman upon the ground floor, Mr. Clarence was up ſtairs. None of the goods were found in my preſence.

Croſs-examined by Mr. Knowlys. *Q.* I think you ſaid this was between two and three o'clock in the morning?—*A.* Yes.

Q. And he appeared in his ſhirt like a man juſt out of bed?—*A.* Yes.

Q. Juſt as you would have done, if you had been called up in the night?—*A.* Yes; I ſaw nothing but juſt his arms and ſhoulders.

JOHN HAYWOOD *ſworn.*—I am a ſhopman belonging to the proſecutor: About a quarter paſt one on Wedneſday morning, the 7th of March, I was called up by three rings at the door; I aſked what was the matter; the watchman told me the warehouſe door was open; and, in the warehouſe, I found a flat baſket filled with five pieces of Iriſh linen

linen and ſix pieces of muſlin handkerchiefs; I took up the baſket, and looked at the Iriſhes; I immediately found they were of the beſt make and the higheſt prices; I ſuſpected it muſt be ſomebody that knew the premiſes; I then went backwards to ſee if any thing was diſturbed, and the handkerchiefs were taken out of the box in the back warehouſe, and the lid ſhut down.

Court. Q. How did the perſon get into the the warehouſe?—*A.* By picking the locks of the ſtreet door, there were two locks and a latch; I was then aſked to go to Billing's houſe; I did not go immediately; Mr. Clarence went to the houſe, I ſtopped in the warehouſe.

Q. How long was it before you went to the priſoner's houſe?—*A.* About three quarters of an hour. On entering the room on the firſt floor, I ſaw a conſtable and Mr. Clarence ſearching, I ſaw them take up a muſlin ſhawl from a box which ſtood by the bedſide; Billing's wife was in bed at the ſame time; the ſhawl appeared to be our's; there was a girl in bed on the other ſide, and the wife ſaid, you need not take that ſhawl, for it is that young woman's. Mr. Clarence aſked me if I thought it was our ſhawl, I ſaid, I believed it was; we took the ſhawl, and told the young woman if it was her's, ſhe ſhould have it again; ſhe diſowned the ſhawl being her's afterwards.

Court. Q. Upon examining the ſhawl, it turned out to be your's?—*A.* Yes.

Q. Was the priſoner dreſſed then?—*A.* Partly dreſſed.

Q. What was his appearance?—*A.* His ſhirt was all over ſoot and dirt, and both his hands and face were ſooty. We then made further ſearch, and found a piece of Corſa muſlin, it is an India muſlin which goes by the name of Corſa, and ſome remnants of Iriſh; afterwards we ſearched under the bed, and found ſome remnants of bed-furniture tied up under the bed, in a little bundle, between the ſacking and the bed, and ſome other things, which I do not now recollect; the bed-furniture was printed cotton.

Q. Did you find any thing elſe beſides what you have ſtated?—*A.* Some other things, which will be produced. The next morning I got up early, about ſix o'clock, and found Mr. Clarence there, and Mr. Fox the conſtable; I then went up ſtairs, and found ſome few things, which we had no doubt were our's; we then went down ſtairs into the cellar, and under the chamber ſtairs, going down, we found a green vellum-coloured book, a writing-book, lodged on the bearers of the ſtairs, in which we uſed to keep an account of the goods we bought; we then went down the cellar, and ſearched the cellar thoroughly, and found nothing; but, on going up ſtairs, I found in ſome duſt a ſhawl, which proved to be our ſhawl, with my own mark upon it. I then gave it into the cuſtody of Tipper, a conſtable.

Q. Had you any converſation with the priſoner reſpecting the articles then found?—*A.* I told him the things appeared much againſt him, he ſaid he knew no more about it than a new-born child; but he ſaid he never took any of the goods, except the few remnants of cotton that were found under the bed.

Croſs-examined by Mr. Knowlys.—Q. Is there not ſome other perſons concerned in the firm, beſides thoſe gentlemen?—*A.* No, I believe not.

Q. Do you know it, of your own knowledge?—*A.* Yes.

Q. Before this man came down ſtairs, there would have been ample opportunity to remove the things, if he had been ſo deſirous to do?—*A.* Yes.

THOMAS HOPGOOD *ſworn.*—I am a watchman: My box was cloſe to the door of Mr. Atkinſon's warehouſe. Juſt before one o'clock of the 7th of March, I ſaw two men walking backwards and forwards, and while they were walking, the clock ſtruck one; I went my beat as faſt as I poſſibly could, and I ran all the way back as quick as poſſible; when I came to my box, which is at the corner of the houſe, I met a man, I ſaid, pray what do you do here.

Court. Q. Was that one of the men that had been walking backwards and forwards?—*A.* Yes. He made me no anſwer; I got immediately to the warehouſe door, and I found it open; while I was going to the door, he ran off, as faſt as poſſibly he could, acroſs the field; I called ſtop thief; it being rather dark, he was ſoon out of my ſight; I called to Box, another watchman, that was cloſe by, to ſtand at the door, while I alarmed Mr. Clarence; and when they got up, we went into the warehouſe; there we found a large baſket, with thoſe things in it.

Court. Q. You ſay you ſaw a man, and you aſked him what he did there?—*A.* I did; he made me no anſwer at all. I went afterwards to the priſoner's houſe; I ſaw the priſoner look out of the window, and anſwer Mr. Clarence.

Court. Q. Look at the priſoner, was he the perſon that made you no anſwer, when you ſaid, "what do you do here?"—*A.* I think he was the perſon.

Q. Then, if I underſtand you right, you believe the priſoner was the perſon, but you will not ſwear it poſitively?—*A.* I will not.

Q. Did you tell your obſervation to Mr. Clarence, that night?—*A.* Yes.

Q. How long did you wait at the door?—*A.* Near three quarters of an hour. I heard people ſtirring about the houſe; after we had been there about

about three quarters of an hour, we ſaw a cellar window; the door was not opened at all; this cellar window Mr. Clarence found, there was no faſtening to it; we opened the window, and got in; we went up ſtairs, and we ſearched the houſe above and below; the conſtable and Mr. Clarence ſtood at the door to ſee that nobody got out; we went backwards, and ſearched the neceſſary; we were looking to find the priſoner; at laſt we were coming into the kitchen, and Harry came in where the pork was, we aſked him where he had been, and he made no anſwer; we ſuſpected he had got over the pales, and on my getting over the pales, they were five or ſix feet high, I ſaw ſomething lay upon the Jews neceſſary-ſeat; then we ſearched the neceſſary on Harry's ſide with a ſtick, but could not find any thing.

Q. This was the firſt viſit?—*A.* Yes.

Q. Did you ſee any thing beſides what you found yourſelf?—*A.* I ſaw many of the things found.

Q. Did you ſee any other perſon find any thing?—*A.* Yes; Box took hold of many things.

Q. State what they were like, were they in bundles, or open?—*A.* Open.

Q. Did you hear any thing ſaid to the priſoner about them?—*A.* No.

Q. Was his examination taken in writing before the Magiſtrate?—*A.* Yes; certainly it was.

Croſs-examined by Mr. Knowlys. Q. One man you could poſitively ſwear to?—*A.* There was no man I could poſitively ſwear to.

Q. Did you deſcribe them both to the proſecutors?—*A.* Yes; one had a blue coat on.

—— Box *ſworn.*—I am a watchman: On the 7th of March, about one o'clock in the morning, the watchman came to me, and ſaid, for God's ſake come over the way; I ran as hard as I could, and found the warehouſe door open; and when we went in, there was a large baſket by the warehouſe door. We then went to the priſoner's houſe, and we knocked a long time; Mr. Clarence called Harry, I want to ſpeak to you; we were there three quarters of an hour, before we got into the houſe; we got in at the cellar window; we found a muſlin ſhawl on a box in the priſoner's bed room, and a piece of Iriſh; Mr. Clarence found them; as faſt as he found them, he gave them to me. There was ſome bed furniture found between the the bed and the ſacking; I have kept them ever ſince. There were a great many things; I cannot ſpeak to them particularly; a piece of muſlin, a ſhawl, and bed-furniture. *(The things produced.)*

Q. *(To Hayward.)* How do you know that ſhawl?—*A.* If you examine that ſhawl it is cut crooked from what we generally cut them, and this ſhawl exactly matches with what we have got.

Q. Upon the whole, you can ſwear that to be the property of your maſters?—*A.* I will undertake to do it. This is the bed-furniture that was found between the bed and ſacking.

Q. Is that the furniture he ſaid he had taken from his maſter?—*A.* Theſe are the pieces that he ſaid he had taken out of the rag-tub.

Q. Look at that book, is that the book he ſaid he had taken?—*A.* This is the book.

Q. Is there any of your writing in it?—*A.* No.

Q. Is there any of Mr. Clarence or Mr. Atkinſon's writing in it?—*A.* No. I have ſeen the book before, and I will undertake to ſwear to it. *(A coloured ſhawl ſhewn to the witneſs).* This has my private mark upon it.

Croſs-examined by Mr. Knowlys. Q. You ſay a ſingle muſlin ſhawl was found in the priſoner's houſe?—*A.* Yes.

Q. You found it cut apart from that piece?—*A.* Certainly.

Q. Where did you find the remainder?—*A.* It was packed up in a box to go to Barbadoes, but it did not go.

Q. That has been cut?—*A.* Yes; from the others.

Q. Is there any private mark upon that which was found in the priſoner's houſe?—*A.* No. I packed thoſe four into the box.

Q. How do you know that has not been ſold?—*A.* I will undertake to ſay that we never ſold but one of them.

Q. When you packed it, there were only four?—*A.* No.

Q. Then how do you know it was never ſold?—*A.* I know it becauſe it was never brought into the retail ſhop.

Q. How do you know it?—*A.* By the manner it was cut, for no man in our ſhop would have cut it off in that manner.

Q. Do you mean to ſay, that that ſhawl, which you found in the duſt, was never ſold?—*A.* No, I will not.

Priſoner's defence. Theſe people came to the door and knocked, I jumped out of the bed, and went down immediately; before I got down they were in; I ran down ſtairs without breeches on; they broke into the cellar window, it was hooked upon a chain; and when I came down, Mr. Box went towards a place that was cloſed, and he took a piece of print, he ſaid he took it from the neceſſary; they opened the drawer where I kept my money, and they took out fifteen ſhillings. I bought ſome of the things in the fair, and ſome at the door. If I had meant to be a thief to my maſter, I could have robbed him of thouſands and thouſands of pounds; I lived with him about a year and a half before, and then I lived with him again.

The watchman ſaid before the Lord-Mayor, the other perſon was the man, but when he found he could not lay hold of that man, he got hold of me. There was a woman that laid in the ſame room that night, and that ſhawl ſhe brought in, but before the Lord-Mayor ſhe ſaid it was not her's.

Eight witneſſes were called, who ſaid they had known the priſoner from three to eight years, and gave him a very good character.

GUILTY (Aged 30.)

Tranſported for ſeven years.

Tried by the London Jury, before Mr. COMMON SERJEANT.

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288. THOMAS SMOAKHAM was indicted for that he, in the King's highway, in and upon Henry Embleton, did make an aſſault, on the 11th of March, putting him in fear, and taking from his perſon a ſilver watch, value 2l. a ſteal watch chain, value 6d. a ſteel ſeal, value 2d. an iron watch key, value 2d. and an iron trinket, value 1d. the property of the ſaid Henry.

HENRY EMBLETON *ſworn.*—I am a gardener: On the 11th of laſt month, I was in a public-houſe, a watering-houſe; the priſoner was in the houſe; I was a little in liquor, and the priſoner was conducting me over Weſtminſter-Bridge; I had been in a place where I never was before; when we got upon the bridge, he robbed me of my watch, he drew my watch from me, and I ſeized him by the collar, and immediately we both fell down; we had a ſtruggle, I called watch, and a watchman came to my aſſiſtance, and he was apprehended; ſays he, this man wants to b——r me.

Q. Had you made any indecent attempt upon him?—*A.* No, only holding him, after he had taken my watch.

EDWARD TOWNSEND *ſworn.*—I am a watchman: I heard the call of watch, and went up, and found the proſecutor and the priſoner on the pavement, they had tumbled down by ſtruggling; I diſengaged them; when I came up, the proſecutor accuſed the priſoner of taking his watch from him; I parted them, and when I pulled up the priſoner, the watch dropped from him *(the watch produced)*; Mr. Chetwynd picked it up.

Q. Did you know the priſoner?—*A.* No; I never ſaw him before.

—— CHETWYND *ſworn.*—I heard the proſecutor call out watch, and I went up, and the watchman and I parted the proſecutor and the priſoner, and I picked up the watch.

Priſoner's defence. I was in the public-houſe getting a pint of beer, and that man was in the box that I was in; he was very much in liquor, and aſked me if I would ſee him home, and I ſaid I would, and going along, he ſwore at the watchman.

Court. (To Townſend.) *Q.* Did the proſecutor ſwear at you, or ill uſe you?—*A.* No.

GUILTY Death. (Aged 25.)

Tried by the firſt Middleſex Jury, before Lord KENYON.

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289. WILLIAM MARSON was indicted for feloniouſly ſtealing, on the 23d of February, fourteen gold mourning rings, value 10l. the goods of William Ward, privately in his ſhop.

WILLIAM WARD *ſworn.*—I am a jeweller in Cheapſide: I can only ſpeak to the property.

JOHN SHARP *ſworn.*—I am ſhopman to Mr. Ward: On Friday, the 23d of February, I had occaſion to ſhew ſome mourning rings to a cuſtomer, I ſent to a ring-maker, and he ſent me a caſe containing fourteen rings; his name is Hopkins; I put them on the end of the counter.

Court. *Q.* Is Mr. Ward liable to pay for thoſe rings?—*A.* Yes. I put them on the end of the counter, expecting the gentleman to call, but he did not call that day; I ſaw them in the caſe about five o'clock, when I returned from dinner; about ſeven, the priſoner came in with a gold ear-ring, and aſked if I could match it; I ſaid, we had ſome nearly like it; I was ſeeking for them, with my back to the window, when I ſuppoſe he took them. He did not purchaſe the ear-rings, but went out of the ſhop. About an hour after the uſual time of ſhutting up ſhop, I miſſed the caſe of rings.

Court. *Q.* Thoſe fourteen rings you would have ſold, if any body had fancied them?—*A.* Yes; I got them for that purpoſe. I endeavoured to recollect who had been in the ſhop from five to eight, and I could not recollect any body coming in but the priſoner. On the Saturday evening, two rings were brought to me. That is all that I know about it.

JOHN FELLON *ſworn.*—I am an officer in Cheap Ward: About ſeven o'clock, on Saturday evening, the 24th day of February, I was ſent for to Meſſrs. Savory and Pryer's, in the Poultry; I had a ring gave me which was broke in four pieces; I met the priſoner at Mr. Pryer's, he ſaid, his mother lived in Houndſditch; I went down the Poultry, up Throgmorton-ſtreet, and through Biſhopsgate Church-yard; in going along, he aſked me to go and drink; I told him, I would not; there was ſome ſilver in his left hand pocket, and it rattled. Coming to Houndſditch, he told me that was not the ſtreet where his mother lived, but, that his mother lived in Jeruſalem-court; I told him there was no ſuch court, and I took him to the Compter. I ſearched him at the Compter, and in his fob pocket I found an enamelled ring, one guinea, one half-guinea, five ſeven-ſhilling pieces, and ſome ſilver. On Monday, he was examined before the Lord-Mayor.

Court.

Court. Q. Was that examination taken down in writing?—*A.* I believe ſo. We went where he told us he had ſold the rings. After he had been examined before the Lord-Mayor, I went to a ſilverſmith and jeweller's ſhop in Lombard-ſtreet, I think his name is Hill, there I found a ring, that ring was delivered to me; we went from there to Biſhopſgate-ſtreet, to a Mr. Venable's, there was another ring there, I had that; then we went near Norton-falgate, to one Mr. Barker, a pawnbroker, there was a ring there, which was pawned, I got that; then we came to Cornhill, I don't know their names, they kept the rings themſelves; the priſoner took me; I ſaw one in each of the houſes in Cornhill; there were three houſes. He was committed, on the 5th of March. I have nothing more to ſay about it.

EDWARD HOPKINS *ſworn.*—I am a ring-maker: On the 23d of February laſt, on a Friday, I received a note from Mr. Ward, Cheapſide, deſiring I would ſend him ſome mourning rings, and I ſent them. I ſaw two of the rings on Saturday evening, they were brought to my houſe by the officer and Meſſrs. Savory and Pryer's ſervant.

Court. Q. Have you ſeen any of the reſt?—*A.* I have ſeen all that were found; the firſt, at Mr. Hill's, in Lombard-ſtreet; the ſecond, at Mr. Venable's; and the third, at Mr. Barker's. Since that, there was one found by an old man. I have nothing elſe to ſay.

Court. Q. Was there any figure upon them?—*A.* Some of them were family rings of different inſcriptions.

JAMES HILL *ſworn.*—I am a jeweller, I know the priſoner: On the 23d of February, towards the evening, on a Friday, he came into my father's ſhop, and brought an ear-ring in his hand; he wanted to know whether we had a pair to match, ſaying, that there were two maid-ſervants living in the houſe that he did, and one was jealous of the other, becauſe ſhe had a pretty pair of ear-rings. Before he went out, he aſked if my father bought rings; I told him, yes; and he brought one about five o'clock, on the Saturday, to ſell; when my father paid him the money for it, he ſaid he had another, that his mother wanted money, and he would come again in half an hour. On the Monday, I ſaw him with the officer.

—— VENABLES *ſworn.*—I am a watch-maker: The priſoner came to me on Saturday morning, the 24th of February, he ſold me a ring; I gave it afterwards to the officer. I can ſwear to the priſoner.

WILLIAM BARKER *ſworn.*—I know the priſoner; he came to me on the 24th of February, on a Saturday, he pledged a ring with me; I am a pawnbroker; I gave it to the officer.

JAMES HENDERSON *ſworn.*—My father is a jeweller; I know the priſoner: On Saturday afternoon, the 24th of February, he brought a ring to me to ſell, I have it now in my poſſeſſion; I bought it for my father.

JOHN NICHOLLS *ſworn.*—I am a jeweller: The priſoner ſold me a ring on the 24th of February laſt, on a Saturday; I aſked him, how the ring came broke ſo; he ſaid, it was his father's, and it had fell down and was trodden upon. I ſaw the priſoner with the officer, I am ſure it is the ſame perſon.

HENRY GEE *ſworn.*—I am a barber and periwig-maker: I never ſaw the priſoner till he was carried before my Lord-Mayor. I found a ring in Angel-court, Throgmorton-ſtreet, an enamelled one, on Monday, the 26th of February, about five or ſix minutes after nine in the morning, which Meſſrs. Savory and Pryer had from me.

Mr. Ward. I ſaw the rings delivered to Meſſrs. Savory and Pryer.

Gee. I went to aſk the value of it. The officer has it now.

Q. *(To Fellon).* Did you receive a ring from Mr. Pryer?—*A.* No, from the ring-maker.

Q. *(To Hopkins).* Where did you get the ring you gave to the officer?—*A.* Savory and Pryer's ſervant came with the officer, and brought the ring.

Q. *(To Gee).* Could you ſpeak to the ring if you were to ſee it again? *(The ring produced)*—*A.* Yes, that is the ring.

Q. *(To Ward).* Look at that ring, was that the ring that was delivered?—*A.* Yes.

Q. *(To Fellon).* Did you at any time, with the priſoner, paſs Angel-court?—*A.* Yes.

Q. *(To Gee).* Where did you find it?—*A.* In Angel-court, within three yards of Throgmorton-ſtreet.

(The rings produced).

Q. *(To Hopkins).* What is the value of the rings, the intrinſic value?—*A.* About eight ſhillings a piece.

Priſoner's defence. On the 24th of February, on a Saturday morning, about eleven o'clock, on going into Spital-fields, I ſaw a little parcel in white paper lay in the kennel, and I took it up, I went into an entry to ſee what it was; I did not know whether they were gold or not; one I pledged, ſome I kept, and the others I offered for ſale. I have no friends in London.

One witneſs was called, who had known the priſoner about eighteen months, by lodging with him, and he gave him a good character.

GUILTY Death. (Aged 18.)

The Jury recommended him to mercy, on account of his youth.

Tried by the London Jury, before
Mr. RECORDER.

290. JAMES SHARP, JOHN DAVIS, and JAMES HINDES were indicted for feloniouſly ſtealing, on the 26th of February, a live tame cock, value 2s. ſeven live tame hens, value 12s. and a live tame rabbit, value 3s. the property of Henry Whitefield, D. D.

(The caſe was opened by Mr. Raine.)

JOSEPH BANNISTER *ſworn.—Examined by Mr. Raine.* I am ſervant to Dr. Whitefield, who reſides at Bedfont.

Q. Do you remember, on the evening of Sunday, the 25th of February, looking at his poultry?—*A.* No. I fed the rabbit that evening; I left it ſafe, it was a doe rabbit.

Q. Why did you attend particularly to this rabbit?—*A.* I fed it every evening; I locked it up, the laſt thing, about eight o'clock that evening, in the tool-houſe.

Q. Did you look to the poultry at all?—*A.* No, I did not.

Q. Where was the poultry kept?—*A.* In the ſame yard, a little further, in a different houſe. The next morning, about ſeven o'clock, I found the door of the place, where the poultry was kept, open, I had left it ſhut the evening before; I miſſed ſeven live hens, and one live cock; I then went to the tool-houſe, and found the rabbit was taken out, the door was open.

Q. When did you next ſee any of your maſter's property again?—*A.* The evening of that ſame day; Monday, I ſaw this ſame doe rabbit, and ſeveral fowls, taken out of Bedfont river, in two baſkets, between ſeven and eight in the evening.

Court. *Q.* How far is the river from Dr. Whitefield's?—*A.* About a quarter of a mile. I believe ſome of the fowls were my maſter's, but the wings and tails were cut. I ſaw the priſoner Sharp immediately after, and the other two priſoners about half an hour afterwards, or three quarters.

GEORGE ADDINGTON *ſworn.—Examined by Mr. Raine.* I live at Bedfont: On Sunday the 25th of February, I ſaw all the three priſoners, about half paſt ſeven, coming from Bedfont towards Stanwell.

Q. How far from Dr. Whitefield's?—*A.* About a quarter of a mile, or hardly ſo far; they were driving two aſſes, with baſkets on one, and panniers on the other; the next evening, Monday, about half paſt four, as nigh as I can gueſs, I ſaw Davis and Hindes come down from Staines towards Bedfont, with one aſs, and in a quarter of an hour the other priſoner, the old man, came up, with two baſkets upon his ſhoulders; then Sharp came up through the Shot firſt, and then Davis went into Mr. Spurnell's Stony-cloſe, and I ſaw them take the fowls out of the hedge, and put them into the the baſkets; Hindes ſtaid at the gate with his aſs; I went and alarmed Bedfont, and then purſued them; and I ſaw Sharp on the top of the river bank, he threw ſome of the fowls out of the baſket into the river, and then they were taken.

JOHN NEALE *ſworn.—Examined by Mr. Raine.* I live at Bedfont: About a quarter after five, as near as I can gueſs, on the 26th of February, I heard the alarm; I went to Mr. Spurnell's Stony-cloſe, and there I ſaw Sharp upon the river bank; I ſaw him make a bit of a ſtop, and throw two baſkets off his left ſhoulder into the river.

Q. Before you came up with Sharp, was he walking or running?—*A.* He was running along the river bank as faſt as he could, loaded.

Q. Were you preſent when he was taken?—*A.* Yes; and when Davis was taken, both.

JOHN HASTINGS *ſworn.—Examined by Mr. Raine.* I live at Bedfont: Upon the alarm being given, I went to the river ſide, about five o'clock in the afternoon of the 26th of February, I ſaw Richard Foot bring two baſkets out of the river; it contained one duck, a rabbit, and ſeveral fowls beſides.

Q. How ſoon after was Banniſter there?—*A.* He came up directly.

Court. *Q.* Whereabouts was it that theſe baſkets were thrown into the river?—*A.* Very near Mr. Spurnell's Shot.

Q. *(To Banniſter.)* Did you ſee theſe things?—*A.* Yes.

Q. Did you know the rabbit?—*A.* Yes; it was my maſter's rabbit that I locked up on the Sunday night, and that I miſſed on the Monday morning; I am ſure it was the ſame rabbit.

Q. Was it a buck or a doe rabbit?—*A.* A doe rabbit; it had got ſpots round both its eyes.

Court. *Q.* If you had been ſhewn that rabbit in London, ſhould you have known it again to be your maſter's rabbit?—*A.* Yes; I ſhould have known it any where.

CHARLOTTE STANNING *ſworn.—Examined by Mr. Raine.* I am ſervant to Dr. Whitefield.

Q. Did you ſee theſe baſkets after the men were taken?—*A.* Yes; I ſaw two of the hens, and the baſkets, at the Duke's Head; I know two of the hens, becauſe I had cut their wings and their tails; I am certain they were Dr. Whitefield's; one of them was a dark-ſpeckle, and the other a light one, there were a great many more hens in the baſket, but I can only ſpeak to theſe two.

Sharp's defence. Davis was going along one ſide of the hedge, and I on the other, and he ſaid that he thought he ſaw ſomething lying under the graſs, and he went to look, and picked up theſe fowls, and gave them me.

Hindes's

Hindes's defence. I was not there, I waited with the aſſes in the main road.

Davis's defence. I was going along, and ſaw ſomething white in the graſs, and I picked up theſe fowls, and gave them to Sharp.

Sharp, GUILTY (Aged 58.)
Davis, GUILTY (Aged 18.)
Hindes, NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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291. JAMES SHARP, JOHN DAVIS, and JAMES HINDES, were again indicted for feloniouſly ſtealing, on the 26th of February, a live tame cock, value 2s. and ſix live tame hens, value 12s. the property of John Baker.

All three NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. Baron HOTHAM.

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292. JAMES SHARP, JOHN DAVIS, and JAMES HINDES, were again indicted for feloniouſly ſtealing, on the 26th of February, a live tame cock, value 2s. ſix live tame hens, value 12s. and four live tame ducks, value 7s. the property of William Sherborne.

WILLIAM SHERBORNE *ſworn.*—I live at Bedfont; I am a farmer: I loſt four ducks, ſix hens, and a cock, on Sunday night, the 25th of February, I had ſeen them about five o'clock in the afternoon; and the next morning, they were gone. My fowls were afterwards found upon Sharp.

—— HASTINGS *ſworn.*—I ſaw Richard Foot pull the baſkets out of the river at Bedfont, on Monday evening,—

Q. Is he here?—*A.* No. He carried them to the Duke's head, and Mr. Sherborne owned ſome of them, both fowls and ducks.

Q. *(To Sherborne).* Were any, and which of thoſe fowls and ducks were your's?—*A.* I think they were; the ducks were nearly all white, there was hardly a ſpeck about them.

Q. Was there any ſpeck?—*A.* No.

Q. Was there any thing particular about the fowls?—*A.* One was a remarkable fine ſpeckled cock, and I believe it to be mine; and there was a bantom hen, it was as much like mine as one fowl could be like another.

JOHN NEALE *ſworn.*—I was in Bedfont at the time this alarm was given, on Sunday, the 25th of February, about five o'clock in the afternoon, by George Appleton; he ſaid, he ſaw a man take the fowls out of the hedge, and I ſaw Sharp run along the river bank with two baſkets on his ſhoulder, and throw them into the river off his left ſhoulder; and I followed him till he was taken. Afterwards, I ſaw the baſkets taken out of the river; I am ſure they were the ſame baſkets that he had upon his ſhoulder.

Q. Did you ſee any thing of Davis or Hindes?—*A.* I overtook Davis in the Aſhſtead road, and I afterwards ſaw Hindes and Davis in Bedfont, on Sunday morning, about nine o'clock.

GEORGE APPLETON *ſworn.*—I ſaw theſe three men on Sunday evening, with two donkeys, going from Bedfont towards Stanwell; they had two hampers upon one aſs, and two baſkets upon the other; I did not take any notice of them then; and, on Monday evening, about five o'clock, I ſaw Davis and Hindes coming from towards Staines, with one aſs; and, in about ten minutes, or a quarter of an hour, Sharp came up with the other aſs; then I ſaw them come up the Shot to Mr. Spurnell's Stoney-cloſe, and I ſaw them take the fowls over the hedge, and put them into a baſket; and then I went and gave the alarm. When I came back, I ſaw Sharp upon the river bank, with the baſket upon his ſhoulder, then he took ſome fowls out of the baſket, and threw them into the river, I cannot ſay how many; I did not ſee them taken out afterwards.

Q. Was Foote with you at the time the fowls were thrown into the water?—*A.* No.

Q. Was Haſtings there?—*A.* No; I do not know who was there; I purſued the man, and took him.

Sharp's defence. I found them in the hedge.

Davis's defence. Going through the hedge, we ſaw them in the graſs.

Hindes's defence. I was not there, I was in the road along with the aſſes.

All three GUILTY.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury, before Mr. Juſtice BULLER.

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293. MARY-ANN DICKSON was indicted for feloniouſly ſtealing, on the 17th of February, a ſilk petticoat, value 10s. three yards of linen and woollen cloth, value 3s. a woman's beaver hat, value 1s. 6d. three yards of calico cloth, value 2s. three yards of blue Perſian ſilk, value 2s. half a yard of pink Perſian ſilk, value 6d. a bead and ſteel watch-chain, value 1s. 6d. a fauſſe montre ſet in metal, value 12d. a book of Common Prayer, value 2s. and three ſeven-ſhilling pieces, the property of James Gibbons, in his dwelling-houſe.

JAMES GIBBONS *ſworn.*—I keep a houſe in Oxford-road; I am a linen-draper: The priſoner was my ſervant about ſix or ſeven weeks.

Q. Do you know whether the property was all taken at one time, or at different times?—*A.* I do not know. I loſt the property mentioned in the indictment; I found them in the poſſeſſion of the

the priſoner in the preſence of the officer, ſhe had gone away early in the morning unknown to me; I found them packed up in the coach, ſhe was going down to Norfolk.

Q. Had you a character with her?—*A.* Yes; from a very reſpectable man in a public office under government.

GUILTY (Aged 19.)

Of ſtealing, to the value of 39s.

Fined 1s. and paſſed.

Tried by the firſt Middleſex Jury, before Lord KENYON.

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294. ROBERT COOKSON was indicted for feloniouſly ſtealing, on the 21ſt of February, twenty-ſix pounds of hair-powder, value 13s. ſeven rolls of pomatum, value 3s. five pieces of ſoap, value 1s. 3d. two tooth-bruſhes, value 6d. and a box of tooth-powder, value 4d. the property of Andrew Johnſton.

(It appearing in evidence, that Mr. Johnſton had a partner, and that therefore the property in the indictment was not the property of Mr. Johnſton ſolely, but of him and his partner, the Court directed the Jury to find the priſoner

NOT GUILTY.

Tried by the London Jury, before Mr. COMMON SERJEANT.

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295. JOHN LUTTMAN was indicted for feloniouſly ſtealing, on the 1ſt of April, one watch inſide caſe and outſide caſe made of ſilver, value 2l. a ſteel chain, value 6d. and a baſe metal ſeal, value 1s. the property of Gabriel Jones.

GABRIEL JONES *ſworn.*—I am a braſs-founder, I work at No. 5, Prince's-ſtreet, Barbican: As I was coming up Snow-hill, by George-yard, the priſoner croſſed over and ſnatched my watch from me, about half paſt nine in the evening; I ran after him, he had got about ten yards; he ran down George-yard, I followed him through a court into Chick-lane, and laid hold of him; a Mr. Smith came to my aſſiſtance, and he wanted me to go to a houſe belonging to one of the priſoner's fellow-ſervants, but I ſaid, I would go into the firſt public-houſe, it was the Cooper's-arms, there was a very bad ſet in it, it is in Chick-lane; when I got him into the houſe, I was uſed very ill by a mob of about twelve people; they puſhed me about—a man who is a witneſs, told the priſoner to ſit down, but the priſoner immediately made a puſh to run away; the landlord ſaid, let him go, for he knew the man, and he would bail him for his appearance, in the morning; the landlord ſtruck me over the arm, and told me to let go of him, and then Mr. M'Carthy that is here, ſaid, let him go; he came in in about ten minutes or a quarter of an hour afterwards to be ſearched.

Court. Q. Was any thing found upon him?—*A.* I would not have him ſearched then; I am ſure this is the man, I never miſſed ſight of him but once.

Croſs-examined by Mr. Knapp. Q. This was the 1ſt of April?—*A.* Yes; about half paſt nine o'clock.

Q. Was it light or dark?—*A.* It was dark.

Q. Were there many perſons in the ſtreet?—*A.* No; I began to call ſtop thief.

Q. Did any body come to your aſſiſtance?—*A.* No.

Q. Where had you been that evening?—*A.* I had been in Long-acre, and had a pint of beer.

Q. Had you no more than a pint of beer?—*A.* Yes; one or two.

Q. Any thing elſe?—*A.* A glaſs or two of gin.

Q. Upon your oath, were you not quite drunk;—*A.* No, I was not.

Q. About three parts over?—*A.* No; what I call half and half.

Q. Was not the priſoner at the bar extremely deſirous of being ſearched?—*A.* I don't know that he was.

Q. The landlord, you ſay, hit you upon the arm?—*A.* Yes, that is true, and I was very much ſhoved about.

Q. This did not ariſe from your drunkenneſs?—*A.* No.

Q. Do you know Mr. Bull?—*A.* No.

Q. Do you know that gentleman, *(pointing to a gentleman)*?—*A.* Yes, I know him very well; he came in after the man had been out of the houſe.

Q. This court was pretty dark that you went into?—*A.* Yes.

Q. Will you ſwear you could ſee him two yards before you?—*A.* Yes

Q. You called to Smith to ſtop this man—do you know where Smith lives?—*A.* Yes.

Q. Have you deſired him to come here?—*A.* Yes; I did ſo.

Q. Did not the priſoner, while Smith was preſent, deſire to be ſearched?—*A.* They wanted me to take him into a houſe; Mr. Smith ſaid, let me take him back to the houſe where he ſaid he came from, and let us ſearch him.

Q. And you did not chuſe?—*A.* No.

Q. How long had you had the watch?—*A.* Five months.

Q. Tell us the maker's name?—*A.* It is Greyhurſt; I bought it in Biſhopſgate-ſtreet.

Q. Did you never leave ſight of him till you got him into the public-houſe?—*A.* Never, only in the turning of the court.

WILLIAM M'CARTHY *ſworn.*—I am a cheeſemonger by trade, I am out of buſineſs now: I happened to be at the public-houſe at the time the priſoner came in, the young man had hold of him when

when he came in, and kept crying out in the tap, and ſaid, he was the man that robbed him of his watch. The priſoner ſaid nothing at all till a good many of his acquaintances came in and pulled the young man about; the publican ſaid, he knew the priſoner, and he would be bail for his appearance.

Court. Q. Did you ſee him touch the young man?—*A.* I did not ſee it.

Q. What did they do to the proſecutor, Jones?—*A.* No otherwiſe than they took the young man and puſhed him about, and myſelf.

Q. Then he was not ſearched in your preſence?—*A.* No.

Groſs-examined by Mr. Knapp. Q. You are ſure the landlord did not touch him?—*A.* Yes

Q. Was Jones ſober?—*A.* I cannot ſay he was ſober; I was ſober.

Court. Q. Was the young man ſober enough to know what he was ſaying?—*A.* I cannot ſay; he ſaid he knew the man.

Mr. Knapp. Q. Did he appear ſo ſober that he could recollect what he was about?—*A.* I cannot tell.

Q. Was he not very drunk?—*A.* He appeared to be ſo; but he ſtood ſteady enough and firm enough.

ELIZABETH ROBERTS *ſworn.*—I am a carman's wife; I was having my ſupper between nine and ten o'clock on Sunday night, I heard the cry of ſtop thief; I met the priſoner and Mr. Smith, they were bringing him back to Mr. Houſe's; after they ſtood there a good bit, they took him to Mr. Dye's, the Cooper's-arms, there were a dozen people in the tap-room, at leaſt they took the priſoner out by force, into a back parlour, and I happened to catch hold of the button hole ſide of his coat, he was there about three quarters of an hour, and then he came into the tap-room, and ſaid, now ſearch me, they refuſed to ſearch him; Mr. Dye was bound for his appearance on Monday.

Court. Q. Was there any conſtable?—*A.* No; we went for a conſtable, but he was not at home.

Q. How was the young man, was he drunk or ſober?—*A.* I believed him to be in liquor a good deal; he ſeemed to cry, and make a great deal of noiſe about his watch.

Q. Before they took him into the back-room, did he offer to be ſearched?—*A.* I don't know.

Q. How did they treat him, when he was in the tap-room?—*A.* There were a ſad piece of work, they puſhed him about.

Q. Did the landlord interfere in puſhing him about?—*A.* I cannot ſay.

Priſoner's defence. I am very innocent of the matter.

JOHN SMITH *ſworn.*—*Examined by Mr. Knapp.* Q. Do you know the priſoner at the bar?—*A.* Yes, I do.

Q. Did you know the proſecutor before this time?—*A.* No, I did not; I am a chandler, I live in St. John's-court, Weſt Smithfield: On the 1ſt of this month, about a quarter after nine oclock, I was at ſupper with my wife, and a friend, and I heard the cry of ſtop thief; I immediately went into the court, and when I came to the door I ſaw the priſoner at the bar, cloſe to my door, and the proſecutor about laying hold of him, and having laid hold of him, accuſed him of having taken his watch, the proſecutor was very drunk; I immediately aſſiſted the proſecutor, and took hold of the priſoner at the bar, and I knew him.

Q. Was it light or dark?—*A.* There was a light from my own window, and a light from the lamps, I was really aſtoniſhed; the proſecutor ſaid, this man has ſtolen my watch, I will ſwear to it. I ſaid, Jack, as an honeſt man, are you willing to be ſearched; the proſecutor took on very much; he ſaid, yes, Mr. Smith, I will be ſearched by you, or go any where with you to be ſearched; with that, he ſaid, he had been to Mr. Houſe's, and had ſtaid there half an hour, having a drop of porter; he ſaid, I have been ill for ſome time.

Q. What is Mrs Houſe?—*A.* He works with the priſoner's maſter, he is a labourer in the carting line.

Mr. Knapp. Q. What is Mr. Houſe?—*A.* Mrs. Houſe, I believe, is a nurſe, he had a bottle of ſtuff from her that night; he ſaid he was agreeable to go to their houſe to be ſearched; when we came there, the proſecutor refuſed taking him in there, it was a private houſe; I told him I knew the man, I knew it was ſafe to be ſearched there; I thought proper to ſend for a conſtable, but he was not in the way; I then took him back to the Cooper's-arms, the end of St John's-court; when I took him into the public-houſe, the proſecutor had hold of him, and I left him with the proſecutor in order to go for a patrol; I returned, in about ten minutes, without a patrol; when I got into the Cooper's-arms, Mr. Bull and his nephew came up, they enquired into the matter, and the priſoner was taken into the parlour.

Q. Who went into the parlour?—*A.* The proſecutor, the priſoner, Mr. Bull and his nephew.

Q. Did the priſoner ſay how long he had been out of Mr. Houſe's houſe?—*A.* Not a moment.

Q. How far was Mr. Houſe's houſe from where you were?—*A.* About a dozen or fourteen yards.

Court. Q. You know the priſoner very well?—*A.* I know him as a neighbour; I never ſaw the proſecutor before.

Q. Then, when you found him, the proſecutor was juſt in the act of taking hold of him?—*A.* Yes.

Q. You did not take him into your houſe?—*A.* No, I did not.

Court.

Court. Q. You took him to the public-houſe?—*A.* Yes; and I left him and went for the patrol.

Q. How long were you gone?—*A.* About ten minutes.

Court. Q. What they did in the parlour you don't know?—*A.* No.

Q. How far was George's-court from where you ſaw him?—*A.* About ſixty or ſeventy yards at leaſt.

Q. When they came out of the parlour what paſſed?—*A.* The proſecutor offered the priſoner a guinea if he would give him his watch.

Q. When they came out of the parlour what did they do then?—*A.* I ſaw no tranſaction of any kind; the priſoner's maſter was bound for his appearance, he gave his word, and ſo did Mr. Dye.

Court. Q. You were in the parlour?—*A.* I was, my Lord, after I came back.

Q. Let us know who were the perſons in the parlour?—*A.* I mentioned Mr. Bull, his nephew, the landlord, and ſeveral other perſons, beſides the priſoner and the proſecutor.

Court. Q. Will you ſwear there were three beſides thoſe people you have mentioned?—*A.* Yes, I will.

Q. Who ſearched him?—*A.* There was nobody ſearched him while I was there.

Court. Q. He was willing to be ſearched, but was not ſearched?—*A.* Not in my preſence; the priſoner was there a long while after I went away to ſupper, I left ſome in the tap-room, and ſome in the parlour.

Court. Q. Do you mean, upon your oath, to ſay you left them in the parlour?—*A.* Yes.

Q. What did you go into the parlour for?—*A.* For the purpoſe of hearing him examined; he went in to be ſearched but was not ſearched.

Q. When you left them, and went home to ſupper, where was the priſoner?—*A.* To the beſt of my recollection, he was in the parlour; I can ſpeak pretty clear the priſoner was in the parlour when I left him.

Q. How come you, not above five minutes ago, to tell me you did not recollect what they ſaid when they came out of the parlour?—*A.* I don't recollect what was ſaid; there was nothing paſſed more than I wiſhed them a good night.

Court. Q. You went into the parlour for the purpoſe of examining the priſoner, but did not examine him?—*A.* There was no officer in the way; we did not know we were authorized to ſearch a man without an officer.

Q. Then how came you to take him to Mr. Houſe's to be examined?—*A.* I meant to have gone for Mr. Wells to have ſearched him, I took him there for ſafety; I did not know it was in my power to ſearch a man.

Q. When you left the priſoner in the houſe, in whoſe cuſtody did you leave him?—*A.* In the cuſtody of the proſecutor; the tap-room was nearly full, there was a vaſt number of people.

RICHARD HOUSE *ſworn.*—*Examined by Mr. Knapp.* I am a carman, a ſervant of Mr. Bull's: I know the priſoner, he is a carman, and ſervant to Mr. Bull; I remember the priſoner being at my houſe about ſeven o'clock on the 1ſt of April, and he went away between nine and ten.

Q. How long had he been abſent from your houſe before he was brought back again?—*A.* About a minute, or a minute and a half, or not ſo long; I went afterwards to the Cooper's arms.

Q. Before you got to the Cooper's-arms, at your houſe, did you hear the priſoner offer to be ſearched?—*A.* He offered to be ſearched, and the proſecutor was not agreeable; then he went to the Cooper's-arms.

Q. When you got to the Cooper's-arms, was he ſearched?—*A.* I did not ſee him ſearched; I went down to his maſter's to let him know about it, I was gone about ten minutes. I was in the parlour at laſt.

Q. Was Smith in the parlour?—*A.* Yes.

Q. Was the proſecutor there?—*A.* Yes; Mr. Bull, and Mr. Bull's nephew, and Mr. Kentiſh, were there.

Q. Was there any body elſe?—*A.* Not to my knowledge.

Q. Were there any other people, more than you knew, in the parlour?—*A.* Yes.

Q. How many in all, as well as you can recollect, were in the parlour?—*A.* Five or ſix altogether; I think ſo.

Court. Q. You heard the priſoner offer to be ſearched?—*A.* Yes.

Q. What did he ſay?—*A.* He ſaid, he would go in and be ſearched any where; he would ſtrip ſtark naked.

Q. What did the proſecutor ſay to that?—*A.* I did not hear that he made any anſwer, he was crying, and making a piece of work; I could not underſtand what he ſaid, there was ſuch a mob round him. He ſaid, he was not agreeable to let the priſoner go in.

Court. Q. How did you know that he was not agreeable that he ſhould go in?—*A.* He did not go in.

Q. Why did he not go in?—*A.* I cannot ſay.

Q. How did you collect that the proſecutor ſaid he was not agreeable for him to go in?—*A.* The proſecutor was crying he had loſt his watch.

Q. I want to know, how you collected that the proſecutur ſaid he was not agreeable for him to go in?—*A.* I cannot ſay; I was not there all the time.

Q. How did you collect it then?—*A.* He might ſay

ſay ſomething; but I did not hear what he did ſay.

Court. Q. Who were the perſons that went into the parlour?—*A.* There were the proſecutor, the priſoner, Mr. Dye, my maſter and his nephew, and Mr. Kentiſh.

Q. Any body elſe?—*A.* Not that I can recollect.

Court. Q. Recollect yourſelf?—*A.* I cannot recollect any more; there might be more, but I cannot recollect it.

Q. The door was ſhut, was it?—*A.* Yes.

Q. You attempted to go in?—*A.* Yes; but was pulled back by ſome of the people in the tap-room.

Q. When they came out to go, what was ſaid to the people in the tap-room?—*A.* I cannot pretend to ſay, becauſe there was ſuch a noiſe in the tap-room, there was ſuch a hurly-burly.

Q. You ſuppoſed he went in there to be ſearched?—*A.* I thought ſo.

Q. Were not you anxious to know what was the reſult of the ſearch?—*A.* No; I had enough to do without.

Q. When you went into the parlour, where did you leave Smith?—*A.* He was in the tap-room.

Q. Did he remain there all the time they were in the parlour?—*A.* I don't know, he was in and out; I left Mr. Smith in the tap-room when they went in.

Q. Did he go into the parlour at firſt with the reſt?—*A.* No; they might be in five or ten minutes before.

Court. Q. He came out before the reſt?—*A.* He might, as far as I know.

Q. I thought you left him in the tap-room?—*A.* Yes; but I was gone before they all came out.

Q. Who did you ſee come out?—*A.* I ſaw my maſter, his nephew, and Mr. Dye.

Q. Did you know M'Carthy?—*A.* Yes; he was in the parlour with them.

Q. Did he come out with the reſt?—*A.* He came out with the reſt, as far as I know.

ANN HOUSE *ſworn.—Examined by Mr. Knapp.* I am wife to the laſt witneſs, I work for the hoſpital: I never ſaw the priſoner, to the beſt of my knowledge, till the night this affair happened, the 1ſt of April. My huſband told me in the morning, that this young man had an inward complaint, he ſpit blood; I gave him ſome lavender drops; I believe he had not been above a minute and a half out of the houſe when he came back.

Q. Did you hear any thing at all about this watch?—*A.* When he was brought back, I immediately opened the door, and was very much ſurpriſed to ſee him come back; the proſecutor was very much intoxicated indeed. I ſaid, bring the man in, and ſearch him; the proſecutor objected to having him brought into the houſe. I aſked him if he could tell the number of his watch; the proſecutor ſaid he could not tell. Can you tell any marks upon your watch, and what ſort of a chain it was; the proſecutor ſaid, no, the maker's name was on the watch, and he ſaid he ſhould know it if he ſaw it. I ſaid, can you tell no mark upon your watch; he ſaid he could not, but if he ſaw the watch he could tell.

Court. Q. He came to you for this complaint of ſpitting blood, and you gave him lavender drops?—*A.* Yes. *(Produces the bottle.)*

Q. How came you by the bottle again?—*A.* He brought it back to the door, and gave it me back; the young man was flurried.

Q. Was he brought to be examined?—*A.* Yes, but the proſecutor objected; he ſaid he would not have him brought into a ſtrange houſe to be examined; the priſoner was very willing to be ſearched, but the proſecutor would not let him; he pulled his coat off, and ſaid, ſearch me, I am innocent, I would not rob a man of a pin off his ſleeve.

Court. Q. How near was your huſband then?—*A.* My huſband was cloſe by me.

Q. Where was Smith?—*A.* He ſtood cloſe by the priſoner. I have known Smith above two years.

JOHN DYE *ſworn.—Examined by Mr. Knapp.* I keep the Cooper's Arms: I know the priſoner at the bar; I ſaw him and the proſecutor on the 1ſt of April, about twenty minutes after nine o'clock, between nine and ten.

Q. Was the proſecutor ſober at that time?—*A.* Far from it, very drunk. The firſt I ſaw of the buſineſs was, the proſecutor and defendant came in, and there was a gentleman of the name of Smith, and a multitude of people ruſhed into the tap-room ſuddenly; the proſecutor cried, and reeled very much; he ſaid he had loſt his watch, and the perſon he had in hold, he ſaid, had robbed him of it, at the corner of Snow-hill; he ſaid poſitively that the priſoner was the man that had robbed him.

Court. Q. What did the man ſay to that?—*A.* He ſaid he had not got the watch, nor did not know any thing about it.

Q. Was that all he ſaid, are you ſure thoſe were the words?—*A.* Something ſimilar to that, ſignifying that he had not got it. The priſoner made no other defence; he ſaid he was willing to be ſearched. There were a great number of people in the tap-room. My houſe is in Weſt-ſtreet.

Mr. Knapp. Q. Weſt-ſtreet is not Chick-lane?

A. No, it joins Chick-lane. In conſequence of my knowing the man's character, I told the proſecutor he certainly muſt be miſtaken in the man; I told him, if he thought that was the man, to withdraw from the public room into the parlour; he

he told me he would not. I could not get any reaſonable word out of him, but crying he had loſt his watch. After that the priſoner's maſter was ſent for; and before his maſter came, I wanted the proſecutor to have the priſoner ſearched, and to give charge of him in the regular way. After that, I offered to be bail for his appearance, provided he was regularly charged; he would not conſent to any thing that I ſaid, but would ſtay in the tap-room. Before the priſoner's maſter came, he was taken from the tap-room by my maid ſervant, ſhe laid hold of his arm, as he was puſhed about by the proſecutor and another perſon, his name was M'Carthy. I went directly to the bar, and got the keys of my back doors, and locked my back door, and the paſſage door, to prevent any body going out backwards. After that, his maſter came, and another gentlemen, his maſter's nephew, to anſwer for the priſoner's character; and then, by a deal of perſuaſions by Mr. Bulle, they all went into the parlour. Mr. Bulle put ſeveral queſtions to the proſecutor, whether he had loſt his watch, and he ſtill perſiſted that the priſoner was the man that ſtole it.

Q. Who went into the parlour?—*A.* The priſoner, the proſecutor, Mr. M'Carthy, Mr. Bulle, and his nephew.

Q. Did you go?—*A.* I was obliged to attend the bar.

Q. Do you know where Smith was at the time?—*A.* I believe Smith went out for an officer to ſecure the priſoner.

Q. Was the door ſhut?—*A.* No, it was not ſhut at all.

Q. When Smith went for an officer, and returned, where did he go then?—*A.* He went into the parlour.

Q. How ſoon did you go into the parlour?—*A.* As ſoon as the company went out.

Q. Tell us what you obſerved?—*A.* All the converſation was between Mr. Bulle and the proſecutor, concerning the watch, and his vouching for the man's character and honeſty; he told the proſecutor he was ſure he was miſtaken in the man.

Court. *Q.* Why?—*A.* Becauſe, knowing the man was ſuch an honeſt character. The proſecutor ſaid, he would give a guinea if any body would produce the watch, and cried, and reeled about; and the woman that gave her evidence was drunk.

Q. Was M'Carthy drunk?—*A.* No, I did not perceive he was drunk; for he and his friend had only a pot of beer.

Q. While the proſecutor and priſoner were in the tap-room, were they joſtled about?—*A.* There were many people there, and it could not be helped.

Q. Did you ſtrike the proſecutor?—*A.* I took hold of him gently by the arm to come into the parlour, and take his party with him, and not expoſe themſelves in the public room.

Court. *Q.* Who were the party?—*A.* The party was the priſoner and Mr. Smith.

Q. Did you ſee him ſearched?—*A.* No. I underſtand he was ſearched in the paſſage.

Q. Were you before the Juſtice when he was examined?—*A.* Yes; it was before Mr. Alderman Staines.

Q. He was not committed till the ſecond examination?—*A.* No.

Court. *Q.* Was Houſe there?—*A.* Yes.

Q. What did he ſay about it?—*A.* He ſaid, he had that minute before he was taken up left his houſe with a bottle of ſtuff; he came to me firſt of all to borrow a bottle to put the ſtuff in.

Q. How came you not to go into the parlour?—*A.* I did, as ſoon as I had an opportunity.

Q. What prevented you?—*A.* Nothing but my wife's being ſo poorly; it was but a very few minutes before I went into the parlour.

Q. Why was he not ſearched in the tap-room?—*A.* I don't know; he was willing to be ſearched, but nobody ſtepped forward to ſearch him. I am ſure he was ſearched in the parlour by his maſter and his nephew.

Court. *Q.* Had be been out of the houſe before that?—*A.* No.

Q. Who were preſent when he was ſearched?—*A.* His maſter and his nephew, M'Carthy, and the proſecutor.

Q. Then it is not true that the parlour door was ſhut?—*A.* No; it was bolted back all the day long. I am ſure it was not ſhut at that time.

WILLIAM BULLE *ſworn.—Examined by Mr. Knapp.* I am a carman: The priſoner was a ſervant of mine; he has been in my ſervice between three and four years. I live in White-horſe-yard, Weſt Smithfield.

Q. You did not know any thing of the proſecutor before this time?—*A.* No.

Q. Did Houſe work for you likewiſe?—*A.* Yes.

Q. In conſequence of any information you received, did you go to the Cooper's Arms, on the 1ſt of April?—*A.* I did.

Q. The Cooper's Arms is kept by Davis?—*A.* Yes, it is.

Q. How long has he kept it?—*A.* Nearly fourteen months. When I came there, I ſaw the priſoner in the tap-room; it was full of people.

Q. How many people?—*A.* I cannot tell; it was a large tap-room. I ſaw the proſecutor there, when I came up. I deſired him to go into the parlour, to ſearch the priſoner; there was a perſon there, who ſaid there was no occaſion to ſearch him.

Q. Was that M'Carthy?—*A.* Yes.

Q. Upon your requiring the proſecutor to go into

into the parlour, did you all immediately go into the parlour?—*A.* Yes. There were the priſoner, the proſecutor, my nephew and Mr. Smith, and M'Carthy came into the room; I told the proſecutor, it was proper to ſearch the priſoner, to ſee if there was any property about him; M'Carthy ſaid, there was no occaſion for it; I told him, I thought they ſhould be ſatisfied.

Q. Was he, in point of fact, ſearched?—*A.* He was not.

Q. What other converſation took place?—*A.* The proſecutor ſpoke ſeveral times, but I could hardly make out any thing he ſaid, only that he had loſt his watch; he cried like a child that had been corrected. Nothing particular paſſed afterwards.

Q. What became of the priſoner?—*A.* He went home to his lodging.

Q. Did you ſay that you would be anſwerable for his appearance?—*A.* I told the young man, I would be anſwerable for his appearance the next day. The next day, he went voluntarily before the Magiſtrate.

Q. Before the Magiſtrate, on that day, was he committed?—*A.* No.

Q. Did the Magiſtrate take your word for his appearance the following day?—*A.* Yes.

Q. Did he appear the following day?—*A.* Yes.

Q. So there were two days elapſed, and on each day you paſſed your word for his appearance, and he appeared both days?—*A.* Yes. He might have ran away fifty times over.

Court. *Q.* How came he not to be committed the firſt time?—*A.* There was ſome doubt about the evidence.

Court. *Q.* The watch was not produced at all?—*A.* I ſaw nothing of the watch.

Q. What days was he before the Magiſtrate?—*A.* On the Monday and Tueſday.

Q. You have known the priſoner ſome time?—*A.* I have known him about four years; he has been my ſervant about three years and eight months. I keep nineteen carts.

Court. *Q.* How came you not to ſearch this man yourſelf?—*A.* I did not think of it particularly at that time.

Court. *Q.* Here is an accuſation of a very ſerious nature, and yet you never ſearched him?—*A.* They ſaid it was to no purpoſe; they ſaid he had been taken to Mr. Houſe's houſe to be ſearched. I have ſent him to many places where he might have got intoxicated, but I never ſaw him ſo.

JAMES BROTHERTON *ſworn.*—I am the nephew of Mr. Bulle; I have lived in my uncle's ſervice about nine years; I have two or three and twenty men under my care. I have known the priſoner at the bar about five years; and with reſpect to his character, I believe him to be honeſt; I have ſent him to wine and brandy-merchants, and I never ſaw him intoxicated in my life. On the 1ſt of April, about half paſt nine o'clock at night, I went to the Coopers' Arms, and when I came into the tap-room, I ſaw a great number of people very inferior characters to my appearance, ſuch as Iriſh labourers; I ſaw the priſoner at the bar and the proſecutor, and I took them into the parlour.

Q. Who went into the parlour with you?—*A.* There was Mr. Dye, an Iriſhman, a Mr. Smith, the proſecutor, the priſoner, and my uncle. When I firſt went into the tap-room, I ſaid, if you have any thing to alledge againſt the priſoner, you had better take him into the parlour; when we went into the parlour, the proſecutor cried, and ſaid he had loſt his watch; he was very much intoxicated, in ſhort, he tumbled againſt me. I think he offered the priſoner a guinea to give him his watch; he ſaid, I have not got your watch, you never ſaw me before.

Q. Did you hear any thing at all about ſearching?—*A.* The man offered to be ſearched, I did not ſee any body that wiſhed to do it. My uncle and Mr. Dye became anſwerable for his appearance the next day. On the Monday, he went before the Magiſtrate.

Court. *Q.* Pray, as you came for the purpoſe of ſearching this man, why did you not ſearch him?—*A.* I did not know that I was authorized to ſearch him.

Five witneſſes were called to the priſoner's character, who had known him from three to four years, and believed him to be a very honeſt man.

The Jury having withdrawn upwards of an hour, returned with a verdict of

NOT GUILTY.

Tried by the London Jury, before
Mr. COMMON SERJEANT.

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296. THOMAS DEAN and JOHN JACKSON were indicted for that they, on the 19th of January, in and upon Sarah, the wife of Daniel Mouchet, did make an aſſault, in the dwelling-houſe of the ſaid Daniel, putting her in fear, and taking from her perſon, a half-guinea, three Bank notes, value 5l. each, ſeven Bank notes, value 2l. each, and eight Bank notes, value 1l. each, the property of the ſaid Daniel.

SARAH MOUCHET *ſworn.*—I am the wife of Daniel Mouchet; I live in Warren-ſtreet, Finſbury-ſquare: On the 19th of January, between ſeven and eight in the evening, a man came into our ſhop for four pounds of mould candles; I took up the candles, and he gave me a half-guinea to change; I went into the parlour to get a ſmall tin box which contained ſome ſilver, when

when I took it into the ſhop, I ſaw ſome Bank notes in it, which I did not know were in the box; I looked at the half-guinea that he gave me, and did not like it; I told him it was not a good half-guinea, he ſaid it was a good one; I got another to ſhew him the difference of the ſound, he told me he would change it; he put his hand to his pocket and took it away again, and ſaid, he was ſure it was a good one; I told him I could not take it; he began to ſwear at me, I then had got my left hand over the Bank-notes in the tin box, and while he was ſwearing to me, another man came into the ſhop, and he puſhed me back from the counter, and took the Bank-notes out of the box, and they both ran out of the ſhop together; as they ran out of the door they knocked a woman down as they went paſt; I called out thieves, but they were not taken for about three weeks after.

Q. Was there any body elſe in the ſhop at the time?—*A.* No.

Q. Nor in the parlour?—*A.* No, only an infant child of mine.

Q. Was it candle light?—*A.* Yes.

Q. Should you know either of them again?—*A.* Yes, the man with the dark hair (Jackſon) is the man that took the Bank-notes from me, to the beſt of my recollection.

Q. Do you mean by that, that you certainly believe him to be the man?—*A.* Yes; the other man I rather ſuſpect to be the perſon, but I cannot ſay, there were three five pound notes, eight two pound notes, and I think ſeven ones; I have the half-guinea that he offered me, it is a counterfeit.

Q. How long was he in the ſhop altogether?—*A.* About ten minutes.

GEORGE HOLLAND *ſworn*,—I am one of the overſeers of St. Andrew's, Holborn, and St. George the Martyr; about the 6th of February, the beadle told me, he had taken up Jackſon for a baſtard child, and I found he had got ſome Bank-notes, and that raiſed a ſuſpicion in our minds, it was the 3d of February that he was taken up; about three weeks after Jackſon was taken up for this child, as I was going from the workhouſe, I ſaw a printed bill, deſcribing notes that were loſt, and I went and informed Mr. Mouchet of it.

STEPHEN ALLEN *ſworn*.—I am a corn-chandler; Mr. Holland and Mr. Mouchet called upon me one evening; I aſked Mrs. Mouchet, if ſhe could ſwear to the man, and ſhe ſaid, ſhe was ſo flurried that ſhe could not.

RICHARD HATTON *ſworn*.—I am one of the conſtables of St. Andrew's; on Saturday the 3d of February, I went with the beadle to apprehend Jackſon for a baſtard-child, we took him to the watch-houſe, and then the other priſoner came in, and ſaid, he would leave ſecurity for Jackſon to the pariſh for this child; I aſked him, what ſecurity he would leave, and he ſaid, forty pounds, and he produced three guineas, and thirty-ſeven pounds in notes, but I do not know the numbers of them.

WILLIAM ROSE *ſworn*.—I am an officer of the public-office, Hatton-garden; I took Dean into cuſtody upon information, it was on a Saturday, the latter end of February; I ſearched him, but found nothing upon him.

JOSEPH INWARDS *ſworn*.—I belong to the ſame office; I apprehended Jackſon on the 3d of February, I ſearched him, but found nothing.

Q. (To Mrs. Mouchet.) Have theſe notes ever been forthcoming?—*A.* No.

Jackſon's defence. I was had up five times, the firſt three times ſhe ſaid, ſhe could not ſwear to me, the next time ſhe ſaid, to the beſt of her recollection, and the laſt time ſhe ſwore I was the perſon.

Both NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. Baron HOTHAM.

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297. AUGUSTUS SEATON, and SARAH SEATON, otherwiſe BROWN, were indicted, the firſt for feloniouſly ſtealing, on the 9th of February, two pair of leather ſhoes, value 4s. a pair of ſilver ſhoe-buckles, value 20s. and a linen table-cloth, value 2s. the property of John Marſhall: A cotton gown, value 10s. a pair of ſtays, value 20s. a ſilk petticoat, value 5s. a bombazeen petticoat, value 5s. a muſlin handkerchief, value 2s. and a ſilk cloak, value 40s. the property of Harriet Brown, in the dwelling-houſe of the ſaid John; and Sarah Seaton, for receiving the ſame, knowing them to have been ſtolen.

JOHN MARSHALL *ſworn*.—I live at No. 11, Gray's-inn-ſquare: On Friday the 9th of February, in the morning, when I got up, I found that my chambers had been robbed of the ſeveral things enumerated in the indictment, they were all there overnight. James Clarke, a perſon concerned in the robbery, gave information of the priſoner, at Worſhip-ſtreet, that was the cauſe of the priſoner being apprehended, I have ſeen the buckles and ſhoes ſince.

Croſs-examined by Mr. Gurney. *Q.* Did you ſee your chambers faſtened the night before?—*A.* Yes; I faſtened them myſelf.

Q. What time did you firſt diſcover the robbery?—*A.* About a quarter before eight.

DAVID LLOYD *ſworn*.—I am a pawnbroker, had a pair of ſhoes pledged with me the 9th of February, by a woman, but who I cannot ſay; I have not the leaſt recollection of the woman at the bar.

Mr. Marſhall. Theſe are my ſhoes.

GEORGE DOBREE *ſworn*.—I am a pawnbroker; I took

I took in a cloak of the woman priſoner, on the 9th of February, I am poſitive it was her.

Mr. Marſhall. That is the cloak that I loſt, I know it by a white ſtripe in the ſilk, the ſelvage, it had been left at my chambers the night before.

—— HAVILAND *ſworn.*—I am a pawnbroker; I took in a pair of ſhoes, *(produces them)*. I cannot ſay of whom I took them in.

JOHN ARMSTRONG *ſworn.*—On Thurſday the 22d of February, I apprehended the priſoners; I ſearched the lodgings of the woman, and found theſe ſeven picklock-keys in a drawer; the duplicates, Wray, the other officer, has got.

Q. Did any of theſe duplicates lead you to this diſcovery?—*A.* Yes; Seaton was apprehended at the public-houſe.

JOHN WRAY *ſworn.*—I was ſearching the lodgings of one of the priſoners, and found a number of duplicates, *(producing them)*; and where theſe duplicates were, I found a ſixteenth of an Engliſh lottery ticket, which, before the Magiſtrate, Seaton owned to be his.

Croſs-examined by Mr. Gurney. *Q.* What he ſaid before the Magiſtrate was taken down in writing, was not it?—*A.* I believe it was.

Q. You did not find the man at this room?—*A.* No; ſhe was there, and ſhe owned to the duplicates.

THOMAS JONES *ſworn.*—On the 2d of March I was apprehending four men, under the Piazzas in Covent-garden, and one of them had theſe boxes upon him; he was admitted to bail before Sir William Addington, and has not made his appearance ſince.

JAMES CLARKE *ſworn.*—On the 9th of February, about half paſt ſix in the morning, Seaton and I were going down Gray's-inn-lane, we obſerved a woman opening the ſhutters of Mr. Marſhall's chambers; I ſaid to Seaton, if you will ſtop a-while, I dare ſay there is ſome property to be got out of that houſe; and when the woman was gone up ſtairs, I got in at the window myſelf; I went into the front parlour, and ſaw a quantity of wearing apparel, a gown and ſtays, and two pair of ſhoes, and a pair of ſilver buckles, accordingly I took them to the window and gave them to Seaton; after I came out, Seaton went in himſelf, and fetched ſome more things out; we took them to his houſe, and his wife was gone out.

Q. You do not mean that ſhe was his wife?—*A.* Yes.

Q. Is ſhe married to him?—*A.* I never heard to the contrary; we went with the property to a Jew's, and he would not give money enough, and we brought them back to Seaton's houſe, his wife was at home then; we agreed that the property was to be pawned, and ſhe took out the things ſeparately to pawn, I ſtaid there while ſhe went with them; ſhe came back with the money and the duplicates, and ſhewed them to me; ſhe pawned two pair of ſhoes, and a black ſilk cloak, and the remainder of the property I pawned myſelf, and the money was equally divided.

Croſs-examined by Mr. Gurney. *Q.* You were taken up, you know?—*A.* Yes.

Q. Where were you ſent to?—*A.* New-priſon.

Q. Was it Coldbath-fields?—*A.* No.

Q. What day of the month was it?—*A.* I cannot ſay; it was eight or nine days after.

Q. When you were taken up, you thought you might chance to be hanged for it?—*A.* No, I did not.

Q. Do not you know you deſerved it?—*A.* Yes.

Q. But you did not think you might chance to be hanged for it?—*A.* I might.

Q. Did not you begin to think it a mighty clever thing to hang ſomebody elſe to ſave yourſelf?—*A.* No.

Q. Upon your oath, you did not charge anybody with this robbery for the purpoſe of ſaving yourſelf?—*A.* Not at all, by hanging anybody.

Q. By ſwearing then?—*A.* I never thought concerning hanging anybody.

Q. Did not you think, by ſwearing againſt ſome perſon or other, you might be able to ſave yourſelf?—*A.* Yes, no doubt.

Q. And then, for the firſt time, you charged the priſoner?—*A.* Yes.

Q. Have you ever been tried here before?—*A.* No.

Q. Nor any where elſe?—*A.* No.

Court. (To Marſhall.) *Q.* Whereabout is the value of what you loſt?—*A.* Full eight pounds.

The priſoners did not ſay any thing in their defence.

A. Seaton, GUILTY **Death.** (Aged 26.)
S. Seaton, GUILTY (Aged 28.)
Tranſported for fourteen years.

Tried by the ſecond Middleſex Jury, before Mr. Baron HOTHAM.

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298. DAVID WILKINSON was indicted for that he, on the 1ſt of March, had, in his cuſtody and poſſeſſion, a bill of Exchange, to the tenor following, that is to ſay:

"London, February 12, 1798.

"Two months after date, pay to my order 273l. 6s. value received. David Wilkinſon.

Meſſrs. Favell, Bousfield, and Son, Tooley-ſtreet."

And the indictment charges that he, on the ſame day, did forge and counterfeit, upon the ſaid bill, an acceptance of the ſaid bill of Exchange, the tenor of which is as follows: "F. B. and S." with intention

intention to defraud the Governor and Company of the Bank of England.

Second Count. For uttering and publiſhing, as true, a like forged acceptance.

And in two other *Counts* for forging, and uttering and publiſhing, as true a like forged acceptance, knowing it to be forged, with intention to defraud Samuel Favell, William Bousfield the elder, and William Bousfield the younger.

The indictment was ſtated by Mr. Giles, and the caſe opened by Mr. Garrow.

WILLIAM CEWELL *ſworn.—Examined by Mr. Garrow.* Q. You are one of the clerks in the Diſcount-office in the Bank?—*A.* Yes.

Q. In the month of February laſt, had the priſoner a diſcount account at the Bank?—*A.* He had.

Q. Look at this bill, and tell me whether, on the 22d of February, this bill was diſcounted?—*A.* On the 22d of February this bill was diſcounted by the Bank of England, with others.

Q. Is it the courſe of the Bank, when bills are preſented to them, for perſons to leave a liſt of the bills that they bring to be diſcounted?—*A.* Always.

Q. Is this the liſt which accompanied that bill, when it came for diſcount?—*A.* It is.

Court. This is a bill ſigned by Mr. Wilkinſon?—*A.* It is.

Mr Garrow. Q. Are you acquainted with the hand-writing of Mr. Wilkinſon?—*A.* Very well; I have ſeen it often.

Q. Is that liſt, which bears his ſignature, written by him?—*A.* I believe it to be his writing.

Q. Look at the bill, do you believe that to be the writing of the priſoner?—*A.* I do.

Q. Look at the endorſement, David Wilkinſon, at the back?—*A.* I believe that to be the hand-writing of the priſoner.

Q. Was he paid the value of that bill, abating the diſcount?—*A.* He was.

Q. Be ſo good as to look at that, and tell me if that is the draft of the priſoner, and whether, upon the credit of that and the other bills, he obtained any money, and what?—*A.* Yes, 639l. 18s. I have an entry that I made at the time of the tranſaction, as a warrant for him to go to the Drawing-office, in order to enable him to draw off the money.

Q. Look at the draft?—*A.* This draft appears to be the hand-writing of the priſoner.

Mr. Serjeant Shepherd. Q. Where do you take that entry from?—*A.* This is the regular mode of doing buſineſs.

Court. Q. The bills come to you, you diſcount them, and in order that he may have the conſideration of his diſcount, you give him a warrant, which goes to another officer, by which he gets credit of the Bank?—*A.* Yes; it is a warrant made by me in the Diſcount-office, taken from the bills themſelves, which I paſs to the Drawing-office, as their warrant to permit him to draw to the amount of thoſe bills. The amount of the bills was 639l. 18s. and the diſcount for that day 4l. 19s. 10d.

Q. Look at that other paper, and ſay if that is a draft upon the Bank in conſequence of it?—*A.* Here are two drafts, one for 544l. and the other for 91l. making together 635l. drawn by him on the Bank, and paid to him on the 22d of February.

Croſs-examined by Mr. Serjeant Shepherd. Q. Do you mean to ſay, that you took theſe papers from the bills themſelves, or from any copy of the bills, or any entry of the bills in any book?—*A.* That warrant is taken from the bills, and ſigned by me.

Q. Did you make this copy yourſelf?—*A.* No; but I ſign them.

Q. Do you ſee the bills when you ſign thoſe warrants?—*A.* I muſt have ſeen the bills, or elſe I could not have entered them in my book, for which I ſign that warrant, as a voucher.

Q. Who makes this copy from the bills?—*A.* One of the clerks in our office.

Q. Do you not ſign this paper upon the faith merely of that clerk having made a copy?—*A.* No; becauſe I ſigned that paper upon the faith of having ſeen the bills themſelves, and entered them to the amount; and the diſcount being properly done by another clerk, I then ſign it, as a voucher that ſo much may be carried to the account.

Q. Do you ever examine the bills before you ſign them?—*A.* There is no occaſion to examine them; I had made an entry of thoſe bills in my diſcount book.

Q. Where is there any entry that you have made yourſelf from the bills themſelves?—*A.* The entry that I have made in my book is the clear amount of the bills.

Q. Did you ever ſee Mr. Wilkinſon write?—No; I never did.

Q. Then you only mean to ſay, that the hand-writing upon that bill is ſomething like the hand-writing of Mr. Wilkinſon?—*A.* It is.

Q. Did you yourſelf ever tranſact any buſineſs with Mr. Wilkinſon?—*A.* Yes; in the office.

Q. Is there any other perſon of the name of Wilkinſon, who has a diſcount at the Bank?—*A.* I do not know of any other perſon of the name of David Wilkinſon.

Q. Is there any other perſon of the name of Wilkinſon?—*A.* There are ſeveral Wilkinſons.

Mr. Garrow. Q. Whatever other diſcounter there may be of the name of Wilkinſon in the Bank, are you ſure that you have tranſacted buſineſs

ſineſs with the priſoner upon the ſubject of diſcount?—*A.* Yes; frequently.

Q. And, from the knowledge you have had from that circumſtance of his hand-writing, you believe that to be his hand-writing?—*A.* I do.

ISAAC WILSON *ſworn.—Examined by Mr. Knowlys.* I am clerk to Smith, Payne, and Smith, bankers.

Q. Do you know the priſoner?—*A.* I do.

Q. Have you paid drafts of his?—*A.* Very frequently.

Q. Are you acquainted with his character and hand-writing?—*A.* Very well.

Q. Look at the body of the bill, and the endorſement, David Wilkinſon, at the back?—*A.* I believe it is Mr. Wilkinſon's hand-writing, to the beſt of my knowledge.

Q. Look at the liſt, do you believe that to be his hand-writing?—*A.* I believe it is.

Q. Look at theſe drafts upon the Bank? *A.* I believe theſe to be his hand-writing.

Croſs-examined by Mr. Serjeant Shepherd. *Q.* Have you ever ſeen him write?—*A.* Many times.

Q. Do you know his writing perfectly?—*A.* I do.

Mr. Knowlys. *Q.* Look at the acceptance upon that bill, whoſe hand-writing do you believe that to be?—*A.* That I cannot tell.

(Mr. Cewell proved a releaſe from the Bank, to Meſſrs. Favell, Bousfield, and Son.)

William Bousfield, ſen. called.—Mr. Serjeant Shepherd objected to the competency of Mr. Bousfield's teſtimony, upon the ground that, though there was a releaſe to the acceptors, there was ſtill a claim upon the drawer.

Court. The firſt perſon they have to reſort to, is the acceptor, and if they give up the firſt perſon, and admit that he is not liable to pay, they cannot reſort to the ſecond.

WILLIAM BOUSFIELD, ſen. *ſworn.—Examined by Mr. Giles.* *Q.* Are you acquainted with the priſoner at the bar?—*A.* I am not.

Q. Look at that bill, and tell the Court and Jury if you know any thing of that bill?—*A.* Nothing at all.

Q. Then I need hardly aſk you if you have had any tranſactions with the priſoner?—*A.* I do not know that I ever ſaw him in my life before.

Q. Look at that acceptance, and tell me if it is the hand-writing either of yourſelf or partners, or any body authorized to accept bills for you?—*A.* It is not; we always accept bills ourſelves, and always in a cypher.

Q. Where is Mr. Favell?—*A.* Very bad at home; I believe not able to come out of his bed, certainly not out of his room.

WILLIAM BOUSFIELD, jun. *ſworn.—Examined by Mr. Knowlys.* I am in partnerſhip with my father and Mr. Favell, No. 246, Tooley-ſtreet.

Q. Look at that bill, is the acceptance upon it your hand-writing?—*A.* It is not.

Q. Is it the hand-writing of your father or Mr. Favell?—*A.* I believe not.

Q. Has your houſe any correſpondence or connection with the priſoner?—*A.* No; I never ſaw him before that I recollect.

—— JONES *ſworn.—Examined by Mr. Garrow.* *Q.* How long have you been a clerk in the houſe of Favell and Company?—*A.* Two years.

Q. Are you acquainted with the manner and hand-writing of each of the partners in that houſe, the character they employ to accept bills?—*A.* Yes.

Q. Look at that bill, and tell me if thoſe letters, to your beſt belief, were written by either of the partners in that houſe?—*A.* It is not.

Q. And you are well acquainted with the hand-writing of all of them?—*A.* I am.

JOHN TAYLOR *ſworn.—Examined by Mr. Garrow.* I am one of the clerks in the Drawing-office in the Bank.

Q. Do you know the priſoner, Mr. Wilkinſon?—*A.* I do not think I do.

Q. Have you been in the courſe of paying drafts which imported to be his?—*A.* Yes.

Q. Have you paid money in that way to a large amount?—*A.* I have paid ſeveral of different amounts.

Q. Have you become acquainted with the character and hand-writing of the ſignatures of the drafts that you have ſo paid?—*A.* Yes.

Q. Look at that draft, I believe it has your initials upon it?—*A.* Yes; it is for 91l. It was given to me on the 22d of February for payment, and I turned to the account of Mr. Wilkinſon, ſaw the hand-writing was the ſame, and I paid it.

Croſs-examined by Mr. Serjeant Shepherd. *Q.* Did you ever ſee Mr. Wilkinſon write?—*A.* No.

Q. Then you only ſpeak from the compariſon of that draft with other drafts that you have paid?—*A.* I have ſeen his hand-writing in the account-books.

Q. You paid that draft yourſelf?—*A.* Yes, I draw the tickets for notes to the amount.

Q. Do you know in what notes that was paid?—*A.* No, I did not pay it.

THOMAS RIPPON *ſworn.—Examined by Mr. Knowlys.* I am one of the clerks in the Drawing-office, in the Bank.

Q. Look at thoſe drafts, are you acquainted with the ſignature of the priſoner, Wilkinſon?—*A.* Yes; this appears to me to be his ſignature.

Q. Look at that draft of 544l. of the 22d of February, did you pay that to the account of David Wilkinſon?

Wilkinſon?—*A.* I did, on account of the Bank, for his uſe.

Croſs-examined by Mr. Serjeant Shepherd. *Q.* You know nothing more of it than as it appears upon the face of the draft?—*A.* No.

Q. Did you ever ſee Mr. Wilkinſon write?—*A.* Never, to my knowledge.

(The liſt of bills read).

Six bills, 22d of February, 1798.

Mr. Garrow. You need only read the one in queſtion.

(It is read). "Favell and Co. 273l. 6s."

Mr. Garrow. (To Cewell.) *Q.* According to the courſe of buſineſs in the Diſcount-office, are the bills, propoſed to be diſcounted, left the preceding day?—*A.* Bills to be diſcounted are brought on the Wedneſday, and they have an anſwer to them on the Thurſday.

—— PEARSON *ſworn.—Examined by Mr. Garrow.* *Q.* You attend Mr. Favell as an apothecary?—*A.* Yes.

Q. When did you ſee him?—*A.* Yeſterday morning.

Q. Is he confined to his bed?—*A.* Partly, not wholly.

Q. What is his diſorder?—*A.* A rheumatic fever.

Q. Do you think, conſiſtent with his health and life, it would be fit that he ſhould attend in this Court to give evidence?—*A.* I think not.

Mr. Serjeant Shepherd. My Lord. There are three partners in this houſe, all concerned in the buſineſs; two of them ſay it is not their hand-writing, but the third partner is ſaid to be in a ſituation in which he cannot appear as a witneſs, and on account of whoſe abſence they might have put off the trial; but though it may not be the hand-writing even of that third perſon, it does not follow that it may not be the hand-writing of ſome perſon authorized by Mr. Favell to accept bills in the name of the firm of the houſe; and, in caſes of forgery, nothing can be evidence againſt a priſoner, but the man whoſe name purports to be forged, ſwearing that it is not his.

Court. This is a caſe in which the priſoner has a very important ſtake indeed, that of his life, and I know no difference in the application of evidence between a civil and a criminal caſe. I do not believe that any gentleman at the bar would have made an objection of this kind in a civil caſe. The rule of law does not require impoſſibilities; and if the perſon who could give the beſt evidence, is prevented either by illneſs, or even by neceſſary abſence, as in the caſe of deeds executed in the Eaſt-Indies, it has been decided that you need not bring the atteſting witneſs; if you bring a perſon to prove the hand-writing, it is ſufficient: and if that is ſo in a civil caſe, I know no difference between that and a criminal caſe.

As the very learned Counſel, for whoſe opinion I have great reſpect, has made this objection, I know not whether his opinion goes along with it, but I am extremely happy in this caſe, a criminal caſe of the greateſt importance, that I have the beſt aſſiſtance that can be afforded on the bench, to confirm me in the opinion that I ſhall give. I am clearly of opinion that there is no ground upon earth for the objection. This objection comes in a very odd faſhion, becauſe it is not many minutes ago that the learned Counſel, who now makes this objection, objected to the admiſſibility of Mr. Bousfield; if that objection had prevailed, the door of juſtice muſt have been for ever ſhut, and however numerous and aggravated caſes might be, taking both theſe objections together, there would be an indemnity in future in all ſuch caſes. It is ſaid, that it is not concluſive, the concluſion is for the Jury to make, but here a perſon is afflicted by the hand of the Almighty, and it is in the ordinary courſe of the adminiſtration of juſtice to permit thoſe to give evidence, who have ſeen the hand-writing of the perſon. I have never heard ſuch an objection before. I am clearly of opinion that the evidence is admiſſible.

Mr. Baron Hotham. I perfectly concur in my Lord's opinion.

Mr. Juſtice Buller. So do I.

(The bill read.)

£273: 6s. London, February 12, 1798.

Two months after date, pay to my order, 273l. 6s. value received.

David Wilkinſon.

Meſſrs. Favell, Bousfield and Son, Tooley-ſtreet. Acceptance, F. B. and S.

Mr. Serjeant Shepherd. (To Cewell). *Q.* I believe the Bank have a rule not to diſcount beyond a certain ſum for certain individuals, have they not?—*A.* I know of no ſuch rule.

Q. Do you not know that for different houſes they would only diſcount to a certain extent, and for others to a different extent?—*A.* I know of no ſuch general rule, it lies in the breaſts of the Directors themſelves.

Q. Have they no rule to guide their diſcretion?—*A.* None that I know, it lies entirely in the breaſts of the Directors to diſcount what they think proper; they are guided by the reſponſibility of the diſcounter.

Mr. Serjeant Shepherd. (To Rippon.) *Q.* What is that D O under the name of Adamſon mean?—*A.* It means ditto, paid to Mr. Adamſon.

Court. *Q.* That is a private mark of your own, is it not?—*A.* Yes.

Mr.

Mr. Garrow. Q. It is no part of the bill?—*A.* No.

Mr. Serjeant Shepherd. Q. Can you tell us in what notes that draft was paid?—*A.* Mr. Knight can tell you that.

—— KNIGHT *ſworn.—Examined by Mr. Serjeant Shepherd.* Q. Is that a liſt of the notes in which thoſe drafts were paid?—*A.* They are.

Priſoner's defence.

Gentlemen of the Jury. Painful as is the ſituation in which I am placed—a few days ſince a merchant of this city, reſpected like yourſelves, and now ſtanding at this bar to anſwer a capital charge; incalculable as my anxiety muſt be at the reflection that a wife and five children are, at this moment, in the moſt dreadful ſuſpence human nature can admit of; painful, I ſay, as this ſituation is, it admits of no ſmall alleviation from the circumſtance, that the verdict, which is to determine, not only on my life, but, on what is ſtill dearer to me, my character and reputation, is to be pronounced by a Jury of merchants and tradeſmen: no other claſs of men could form ſo juſt an idea of the grounds of defence I am about to lay before you; for the degree of truſt and confidence I have placed in an individual, would, to any other than perſons converſant in trade and buſineſs, appear improbable, as well as imprudent; whilſt to men engaged in commercial concerns, not only its poſſibility, but its probability will be apparent. You, Gentlemen, as merchants and tradeſmen of this city, have been bred in the very boſom of commerce; by your education and habits of life, you muſt therefore be aware of the wonderful extent of confidence and credit, that not only exiſts, but which neceſſarily prevails between man and man, in the various tranſactions of commercial dealings; and, therefore, will the better comprehend the facts I ſhall preſently ſtate as the ground of my defence. Confidence moſt extended, truſt almoſt implicit, and unbounded credit in the mutual tranſactions of each other, is the very baſis and foundation of the vaſt ſyſtem of commerce, by which our nation is ſupported; and to ſuch confidence alone (unfortunately miſapplied) am I indebted for the ſituation in which I now ſtand.

I would not willingly, Gentlemen of the Jury, treſpaſs unneceſſarily on your time, or that of the Court, and ſhall proceed to lay before you ſuch a ſtate of facts, as will enable you to apply the evidence I ſhall produce, to the general outline of my defence. I will but juſt obſerve on the neceſſity of my doing this, on account of the law not allowing a man, in my ſituation, the advantage of a Counſel's abilities in addreſſing you, or in ſtating my caſe in the advantageous manner, which, by art and elocution it might be placed; but I have more than one conſolation, which counterbalances all the diſadvantage of my being unpractiſed in public ſpeaking—the one is, that my caſe is a plain ſtate of facts, which needs but a ſimple ſtatement to be underſtood; and the other is, that the indulgence of our laws gives a man, in my ſituation, the claim to the aſſiſtance of the Judges who preſide here, and the urbanity and humanity of thoſe Judges before whom I ſtand, enſures me the exerciſe of ſuch right, in applying, and in calling your attention to the application of ſuch parts of the evidence, as through my inadvertence, or inability, I may neglect to place in a proper point of view.

Gentlemen of the Jury, let me call your attention to this point, that no ſort of evidence has been produced, to ſhew or lead you, for a moment, to ſuppoſe that forgery was committed by me. The only charge againſt me, to which any evidence, on the part of the proſecution can be made to apply, is that of uttering ſuch forged bills; and here let me fix your attention to this point, on which my defence will wholely reſt, namely, that to conſtitute any criminality, in the uttering ſuch bills, I muſt be proved to have known them to be forged at the time of my ſo uttering them; without eſtabliſhing this fact, I confidently appeal to my Lord, whether the proſecutors can be ſaid to have made out any caſe againſt me. Of my being ſo apprized of the forgery, at the time of my diſcounting the bills, no ſhade of direct poſitive evidence has been produced. It has been proved, and I admit the fact to be ſo, that I diſcounted ſuch bills at the Bank, and there the evidence for the Crown reſts. No ſeparate independent collateral facts, ariſing from my conduct at the time of ſo diſcounting the bills, or at any ſubſequent period, have been proved to ſhew, or to infer, my knowledge of the forgery; on the contrary, as far as any inference may be drawn from my conduct, both at the time, and poſterior to my having diſcounted the bills, it is preſumptive evidence of my being wholly ignorant, as I call God to witneſs I really was, of ſuch bills being forged. However, I cannot but admit, that my appearing, on the face of the bills themſelves, the immediate drawer on the perſon, whoſe name appears to be forged, does, till that circumſtance is explained, afford that ſort of implication, that I was privy to the forgery, as calls on me to explain and account for.

A very few circumſtances, which I am about to ſtate, will, I truſt ſatisfy your minds on this head. It is now about two years ſince a partnerſhip concern, which had previouſly exiſted between me and Mr. Joſeph Adamſon, whoſe name you have heard in the courſe of this trial, was diſſolved; public notice of ſuch diſſolution was inſerted in the Gazette. As we parted on good terms, and had ever been in the habits of friendſhip, our wiſhes to ſerve each other (at leaſt I ſpeak for myſelf) ſtill continued. Sometime after we ſeparated, he being about to go to Mancheſter, reſpecting his buſineſs, requeſted me to give an eye to his ſervants in his abſence; and particularly to attend to the payment of ſuch bills as would become due during his abſence, and for which he left out checks on his bankers: this I engaged to do, and, for this purpoſe, part of a deſk in his accompting-houſe was allotted me; and as our friendſhip for each other continued from that time to the period when this forgery was diſcovered, I continued in the uſe of ſuch part of the deſk, to the period of his apprehenſion. But it will be in evidence to you, that ſuch deſk was conſtantly left by me *unlocked*; and, therefore, no inference of private tranſactions being carried on by me, at Mr. Adamſon's accompting houſe, can be drawn from the circumſtance of my having the uſe of ſuch deſk.

It was ſometime after Mr. Adamſon's return from Mancheſter,

Manchester, that on account of the increasing extent of his business, he stated to me his frequent embarrassments for want of cash, and his consequent want of an encreased discount; and suggested to me, that as on our dissolution of partnership, the discount-account with the Bank of England, which, during our partnership, was only one joint account, by being now separated and divided, might, with my assistance, give him the advantage of a double discount account with the Bank. I need scarcely mention to you, Gentlemen, that the Bank of England, in their discounts, confine the account of each individual, or firm, to a certain extent, which they will for such individual, or firm, on no account exceed. That such is the practice of the Bank is notorious to every commercial man; and it must occur to you, how great an advantage Mr. Adamson would derive, if, by my means, he could have the benefit of such second discount account with the Bank in my name. The mode proposed by him, to which I readily acceded, and which was accordingly afterwards adopted, and for a long time carried on without interruption, will account for the form in which the bills, mentioned in the indictment, are drawn, and will open at once to you, the nature of my defence. It was this—

I knew that his connections were numerous and extensive; and he stated to me that he had much extended them; and this I believed to be true, from the encreased business I saw going on at his warehouse. He mentioned having a variety of houses, on whom, in the course of business, he had a right to draw to a much greater amount than the extent to which his discount account, at the Bank, was usually limitted; he therefore proposed that I should assist him, by drawing bills on his customers, in my name, though, in reality, *on his account*; and for debts due to *himself*, payable to my order; by which means, his name would not appear on the bills so ostensibly drawn by me, though, in reality, his own; and would, therefore, be received and discounted at the Bank on my discount account; and, by this means, he would have the advantage he wished to gain by a double discount account with the Bank; the one in his own name, the other in mine. This mode was not, however, always adopted, as he sometimes brought me the promissory notes of his customers, payable to my order.

On a consideration of this proposal, and being convinced that it would of course give Mr. Adamson the advantage he stood in need of, and that without injury to any one, I assented, and transactions, in this form, have been carried on with the Bank to a considerable amount.

You will please to observe, in this transaction, there was nothing bordering on criminality; it was no more than the well known usuage, the avowed practice of merchants of the first respectability, that of accommodating each other by the loan of their names to negociable paper.

It was evident to me that I was essentially serving Mr. Adamson by this accommodation; and I confess I did not foresee the possibility of any further hazard or risque on my part, than that of the failure of the persons on whom I thus drew; and satisfied as I was of the solvency of Mr. Adamson, that risque I was willing to run in his service.

The persons on whom I thus from time to time drew on Mr. Adamson's account, being, as I was informed, his customers, some were of course unknown to me, and their signatures of acceptance, consequently, could not be by me suspected. The mode in which I drew on them was by having the names and sums furnished me by Mr. Adamson; and when I had drawn the bills, they were sometimes given, sometimes sent by me to Mr. Adamson, for him to procure the acceptance; and then they were returned to me to be sent into the Bank on my discount account; and when the amount discounted, thereof, deducting the discount, was sent or given by me to Mr. Adamson, by draft on the Bank of England. In every case, I was furnished with the acceptance by Mr. Adamson; and in no case had any communication with the parties on whom the bills were drawn, and whom I always supposed to be the real customers or friends of Mr. Adamson.

Circumstances of this nature, being in their principle founded in private confidence, it would not have been very surprizing if I had stood here on this simple statement, and called upon you for a belief of what I am now asserting, without a possibility of bringing any sort of evidence in support of this case. But most fortunately, I can prove, by several witnesses of respectability, that such was the nature of my transactions with Mr. Adamson. Several witnesses will be produced, who were in reality of the description I supposed all the persons to be on whom I drew for Mr. Adamson. These witnesses will tell you, that they dealt with Mr. Adamson, and were in the habit of accepting bills on his account, and for his use, which were drawn on them by me, without the name of Adamson appearing thereon; and that the reason of their so accepting my bill, though they held no connexion with me, was, that it was at Adamson's request, with a view, as they understood, to facilitate and extend his accommodation.

In addition to this evidence, which establishes the general ground work of my defence, I shall be able to prove, that I paid over to Mr. Adamson, by my drafts on the Bank, the whole sums of money produced by the discount of the bills, which are the subject of the present prosecution; and also, that I was in the habit of paying to Mr. Adamson the amount of all the sums I so discounted at the Bank, in my own name, for him, which must remove all doubt of my guilt, since I can scarcely be supposed weak enough to incur the punishment of a capital offence, without receiving any emolument. The clerks and servants of Mr. Adamson will likewise be called, and will prove, in further corroboration of this case, my being in the habit of receiving bills from Mr. Adamson—sending them to him to procure the acceptance—and receiving them from him, when accepted, to get them discounted at the Bank. One very material circumstance will be proved by them strongly confirmative of the fact, that the produce of such bills, so discounted by me at the Bank, was received by Adamson, and not by me; it is that, in several instances, when I have left bills at the Bank for discount, and I have left town (my residence being at Bethnal-Green), before the time the Bank's answer could be received, I have left a blank draft on the Bank, at Adamson's accompting-

compting-houſe, to be filled up by him, in my abſence, according to the amount of the bills, which the Bank might have diſcounted, and which he received accordingly.

Theſe general proofs will, under the circumſtances of this caſe (which you, Gentlemen, will bear in your minds, was a caſe of private confidence), be more than could, in common probability, be expected; and, in themſelves, would, I truſt, be ſufficient to convince you of the true nature of the tranſaction, and conſequently of my being innocent of all knowledge of the bills being forged.

But fortunately for me, I am poſſeſſed of evidence, reſpecting the very identical bills on which this indictment is founded. A witneſs will be called, who will prove their being in the hands of Adamſon before they were endorſed by me; that Adamſon admitted they were drawn by me, at his requeſt; and that I received them from Adamſon, for the purpoſe of getting them diſcounted for him at the Bank; and that I afterwards gave the amount of ſuch bills, when diſcounted, to Adamſon.

Theſe facts muſt convince you, Gentlemen, of my being the ignorant means of procuring the diſcount of theſe bills, without any knowledge of the forgery; this is not circumſtantial evidence, but poſitive and direct; and when added to the character of reſpectability and credit I have ever borne, and which nothing but the ſituation in which I ſtand, could induce me to mention, will, I truſt, obtain me a verdict of acquittal.

Conſcious as I am of my innocence, and ſupported as my defence is by poſitive evidence, I feel a ſort of unwillingneſs to attempt the ſtrengthening my caſe by the obſervations I am about to make; but the duty I owe to my family, requires me, perhaps, to leave no circumſtance unnoticed, which is worthy your attention. I would therefore, for a moment, draw your attention to my conduct, ſubſequent to the apprehenſion of Mr. Adamſon on the charge of forgery. That I was ſhocked and alarmed at the intelligence, I confeſs; but ſuch alarm aroſe from the ruinous conſequences it was likely to produce on my affairs, if the outſtanding bills, which I had diſcounted for Mr. Adamſon, were not genuine, knowing my liberality as the diſcounter, to make them good; the ſteps I immediately took muſt convince you that this, and this alone was the ground of my alarm; for I immediately went to my attorney, and after ſtating the circumſtance, went to the accompting-houſe of Mr. Adamſon (the laſt place I ſhould have gone to had I been conſcious of guilt), where I found he was detained at the Bank on the charge of forgery. An accomplice would have flown, and that I had the opportunity of doing ſo, is evident, ſince I that night ſlept at home, and on the following day returned, with my attorney again to Adamſon's accompting-houſe, with a determination to obtain what I could by way of indemnity, to the reſponſibility which attached to me on his account. I there, in the preſence of his clerks, opened his bill-box, and actually brought away the contents, under the claim of a right ſo to do, by way of indemnity. What inference can you draw from ſuch conduct, Gentlemen, but that I was acting under the conſciouſneſs of innocence, and on the idea that, having accommodated Adamſon with my name as drawer, I had a right to ſeek and ſecure an indemnity. Among the bills in the box were two that had my endorſement on them, as having been moſt likely returned from the Bank, and refuſed diſcount; and knowing I ſhould be liable, if they got into circulation with my endorſement, for the amounts of thoſe bills, I eraſed my name, and left the bills in the box. And here I muſt remark, and preſs it as a point deſerving your particular attention, that if I had had the moſt diſtant idea that thoſe bills were forgeries, I ſhould certainly have taken them away, or deſtroyed them; and not, by leaving them behind, furniſh evidence againſt myſelf, which might at leaſt ſubject me to the inconvenience of explaining how my name happened to appear on them.

I did more, Gentlemen of the Jury, I left word with Adamſon's ſervants, if I was wanted by any one, where I ſhould be, and at which place I accordingly waited ſometime, and afterwards went home, where I ſlept that night as uſual. On the following day, I received a letter from Meſſrs. Winter and Kay, to attend at their office; I did attend accordingly, at that time, and at two ſubſequent meetings before my actual commitment, was anxious to enter into an explanation of the tranſaction, and pledged myſelf, if allowed to inſpect my checks on the Bank, and refer to certain books I deſcribed, to clear myſelf to their ſatisfaction; but, unfortunately for me, my entreaties were not then attended to, or I ſhould have rendered my ſtanding before you unneceſſary: for I cannot believe that, if I had been allowed to ſtate and prove to them, what I have now ſtated, and am about to prove to you, any Magiſtrate would have thought it right to commit me.

Gentlemen, I ſhall now only obſerve, that the attention of the commercial world has been a good deal engaged on the ſubject of the charges brought againſt myſelf and Mr. Adamſon; and ſome rumours may have come to your ears, or ſome ſtatements been ſeen by you, in the public papers, which may have engendered a prejudice againſt me. However, Gentlemen, I am confident, that you will, under his Lordſhip's direction, not forget that it is your duty only to attend to the evidence produced before you, and to diſcharge your minds from any ſuch prejudice.

I fully rely upon the candour and impartiality of a Jury of my countrymen; and, conſcious of my innocence, have not held back from this public inveſtigation, but voluntarily came forward as ſoon as I was ſent for.

For the Priſoner.

SAMUEL HOWELL *ſworn.—Examined by Mr. Serjeant Shepherd.* Q. Do you know Mr. Adamſon?—*A.* Yes.

Q. Have you ever had any dealings in trade with him ſince the partnerſhip was diſſolved between him and Mr. Wilkinſon?—*A.* Yes.

Q. Upon theſe dealings, did you at any time owe Mr. Adamſon money?—*A.* Yes.

Q. Have you any bills drawn by Mr. Wilkinſon, that you have accepted?—*A.* No, I have not got the bills.

Q. Did you ever give any promiſſory note, payable to Mr. Wilkinſon?—*A.* I did. *(Produces it.)*

Q. Was

Q. Was that for a debt due to Mr. Adamſon —*A.* It was given on Mr. Adamſon's account, I had nothing to do with Mr. Wilkinſon in the tranſaction.

Q. This note is for 290l. was it given for any money due to Mr. Adamſon?—*A.* It was given by Mr. Adamſon's deſire to Mr. Wilkinſon; I did not give it to Mr. Wilkinſon, but I drew it at Mr. Adamſon's deſire.

Q. Had you any tranſactions in buſineſs with Mr. Wilkinſon at that time?—*A.* None at all.

Mr. Garrow objected that this could not be made evidence; the Court were of the ſame opinion.

SAMUEL NEWTON *ſworn.—Examined by Mr. Conſt.* I am a linen-draper.

Q. Have you had any connection with Mr. Adamſon in the way of buſineſs?—*A.* Yes.

Q. Have you been indebted to him on account of that buſineſs?—*A.* Yes.

Q. Have you any bills drawn by Mr. Adamſon in favour of other perſons, and accepted by you? —*A.* I have accepted ſuch bills, but I have not the bills.

JAMES SOBBETT *ſworn.—Examined by Mr. Serjeant Shepherd.* I am clerk to Bowles and Co. bankers.

Q. Have you an account in your book of Bank-notes paid into your houſe by Mr. Adamſon, or on his account, on the 22d of February?—*A.* Yes; Mr. Adamſon paid in two Bank-notes that day.

Q. Look at that liſt, were they paid into your houſe on his account?—*A.* Yes, and another draft beſides.

(The liſt read.)

Mr. Garrow. I am ready to admit that this bill of 91l. payable to Mr. Adamſon, was paid to Mr. Adamſon's banker.

Court. This unfortunate man is charged with forging an acceptance, with intention to defraud the Governor and Company of the Bank of England; whether that is proved is for the Jury to ſay, but what this ſort of evidence can have to do with it, I cannot poſſibly divine.

Mr. Conſt. My Lord, We mean to ſay, that the acceptance was made without our privity; it came into our hands afterwards, ſuppoſing it to be a real acceptance.

CHARLES REETH *ſworn.—Examined by Mr. Conſt.* I am a linen-draper.

Q. Do you remember, at any time in February, carrying any bill or note to Mr. Adamſon?—*A.* No; I was in Mr. Adamſon's houſe in February, almoſt every day; I ſaw Mr. Adamſon throw ſome bills acroſs to Mr. Wilkinſon, and deſire him to go to the Bank and get them diſcounted.

Q. Did you ſee what they were?—*A.* I did not; but I heard them converſe about what they were; one of them was upon Favell, Bousfield, and Company; and another was upon Mr. Howell.

Q. Did you ever ſee it afterwards, or hear what became of it?—*A.* No.

Priſoner. Q. Did not I take out one bill, and ſay, that that bill had been in before, and had been ſent back, and that I did not like to ſend it in again, and that was this very bill of Mr. Favell's? —*A.* I don't know whoſe bill it was; I recollect the circumſtances perfectly.

Croſs-examined by Mr. Garrow. Q. Do you know much of Mr. Adamſon's tranſactions?—*A.* A great deal.

Q. The bills that he brought were bills ready made?—*A.* Yes; he threw them to Mr. Wilkinſon out of a caſe.

JOSEPH KING *ſworn.—Examined by Mr. Knapp.* Q. Do you know Mr. Adamſon?—*A.* Yes.

Q. Do you know Mr. Wilkinſon?—*A.* Yes; I told Mr. Adamſon I ſhould want a bill renewed of 297l.

Mr. Garrow. Converſation with Mr. Adamſon certainly is not evidence.

Court. It is impoſſible for me to receive it.

Mr. Knapp. Q. What did you do in conſequence of that converſation?—*A.* Mr. Wilkinſon drew the bill, on the 20th of September, 1797, for Mr. Adamſon, *(produces the bill)*; Mr. Adamſon was in the country.

Court. Q. I ſuppoſe Mr. Wilkinſon had funds in your hands to anſwer this?—*A.* None; he renewed the bill for Mr. Adamſon at my requeſt.

Mr. Knapp. Q. Had Mr. Wilkinſon any demand upon you?—*A.* Not to my knowledge.

Croſs-examined by Mr. Garrow. Q. You had accepted a mere accommodation bill?—*A.* No; I wiſhed it to be renewed, Mr. Adamſon was out of town.

Q. And Mr. Wilkinſon, who had been his partner, tranſacted buſineſs for him?—*A.* Yes.

Q. Therefore Mr. Wilkinſon drew upon you another bill, which you, the acceptor, accepted? —*A.* Yes.

Court. I have no conception how this ſort of evidence can poſſibly apply, there is nothing upon earth in it.

—— LUSH *ſworn.—Examined by Mr. Serjeant Shepherd.* Q. Do you know the priſoner Wilkinſon?—*A.* Yes.

Q. Do you know of the circumſtance of Mr. Adamſon being detained by the Bank upon a charge againſt him?—*A.* Only from hearſay.

Q. Do you know of any meſſage being ſent by the Solicitor of the Bank to Mr. Wilkinſon, after it was notorious that Mr. Adamſon was in cuſtody upon a charge of this nature, and that he went to the Solicitor of the Bank?—

Mr. Garrow.

Mr. Garrow. We admit it moſt clearly.—He went under an idea that he was going to give evidence againſt Mr. Adamſon?—*A.* Yes.

REV. ROWLAND HILL *ſworn.*—I have known Mr. Wilkinſon ſeveral years, I always conceived him to be a man of undiſguiſed integrity; and his character, that which was much more likely to be deceived than to deceive.

GUILTY **Death.** (Aged 33.)

Tried by the London Jury, before Lord KENYON.

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299. JOSEPH ADAMSON was indicted for forging and counterfeiting, on the 15th of February, a certain bill of Exchange, the tenor of which is as follows:

No. 25. 490l. Manchester, 1ſt of Jan. 1798.

Three months after date, pay to the order of Mr. James Holt, four hundred and ninety pounds, value received, as adviſed. T. Stevens.

Meſſrs. Bowles, Brown, Beachcroſt, Reeves, and Company, Bankers, London.

With intent to defraud the Governor and Company of the Bank of England.

Second Count. For uttering the ſame, as true, knowing it to be forged, with the like intention.

Third Count. For forging an acceptance of the ſaid bill of Exchange, to the tenor following: "Accepted, R. D. B." with the like intention.

Fourth Count. For uttering the ſame, as true, knowing it to be forged, with the like intention.

Fifth Count. For forging an endorſement of a like bill of Exchange, the tenor of which is as follows: "James Holt," with the like intention.

Sixth Count. For uttering the ſame, as true, knowing it to be forged, with the like intention.

Seventh Count. For forging an endorſement on the ſame bill of Exchange, to the tenor following: "J. C. Morrey," with the like intention.

Eighth Count. For uttering the ſame, as true, knowing it to be forged, with a like intention.

And eight other *Counts*, for ſimilar offences, only varying the manner of charging them.

(The indictment was ſtated by Mr. Giles, and the caſe by Mr. Garrow.)

WILLIAM CEWELL *ſworn.—Examined by Mr. Knowlys.* I am one of the clerks in the Diſcount-office in the Bank; the priſoner at the bar had a diſcount account at the Bank: On the 27th of January laſt, there were bills ſent in to the Bank to diſcount, to the amount of 1242l. 12s. 11d. on the account of Joſeph Adamſon.

Q. Look at that bill drawn upon Bowles and Beachcroft, is that one of them?—*A.* This is one of them; he had diſcount allowed to the amount of 855l.

Q. Did you make out the warrants upon which the bills were diſcounted?—*A.* I did not, but the clerk is here that did make it out; it is ſigned by himſelf, which gave him credit to draw to that amount.

Q. In whoſe hand-writing is that account of the bills which he ſent for diſcount to the Bank?—*A.* Joſeph Adamſon's.

Q. Does that accompany the bills when they are ſent in to be diſcounted?—*A.* It does.

Q. Among the reſt, is there an account of this bill upon Bowles, Beachcroft, and Company?—*A.* There is; "Paid, London, Jan. 27, 1798. Joſeph Adamſon."

Croſs-examined by Mr. Gibbs. Q. You did not receive this yourſelf?—*A.* I did not.

Q. How do you know that theſe bills were left at the Bank?—*A.* I am certain that they were left, becauſe they correſpond with the liſt.

Q. Did you ever ſee the bills themſelves?—*A.* I have ſeen this bill.

Q. Have you ever ſeen Mr. Adamſon write?—*A.* I cannot take upon me to ſay that I have.

Q. Have you ever tranſacted buſineſs with him?—*A.* I have diſcounted bills for him at the office.

Q. It is only from having ſeen other papers, which you conceive to be his hand-writing, that you ſuppoſe this to be his writing?—*A.* Exactly ſo.

Court. Q. Did he ever acknowledge any of thoſe papers that you ſuppoſed to be his writing?—*A.* We have very little converſation with the diſcounter.

Q. Did you ever underſtand, from him, that any of theſe papers were his hand-writing?—*A.* Never.

Mr. Garrow. Q. You ſaw the ſeal put to this releaſe?—*A.* Yes. *(A releaſe from the Bank to Bowles and Company produced).*

WILLIAM CAPE *ſworn.—Examined by Mr. Giles.* I am clerk in the houſe of Bowles, and Company.

Q. Were they the bankers of the priſoner Adamſon?—*A.* Yes, they were.

Q. Look at that; do you know any thing of that draft?—*A.* I acknowledged the receiving of it from Mr. Adamſon's people, either his clerk or himſelf.

Q. Did you receive payment of that draft at the Bank?—*A.* I did not.

Q. Is that the hand-writing of the priſoner?—*A.* As to the appearance of it, I cannot ſwear to it.

Q. Did you ever ſee him write?—*A.* I may have ſeen him write.

Q. Should you have paid that draft if it had come to your houſe?—*A.* Yes.

Croſs-examined by Mr. Gibbs. Q. You cannot ſay that you have ever ſeen Mr. Adamſon write?—*A.* I may have ſeen him write upon the counter.

Q. You cannot ſay you have ever obſerved his hand-

hand while he was writing?—*A.* I never took particular notice.

Q. From the compariſon of his hand-writing with the drafts that you have paid, you ſuppoſe this draft to be his hand-writing?—*A.* Yes.

Q. Did you ever hear from him any acknowledgment that theſe former drafts of his, were his hand-writing?—*A.* He would certainly have mentioned it.

Q. What I want to know is this, you ſay you believe this to be his hand-writing, becauſe, upon compariſon of his name written to other drafts, it reſembles it?—*A.* It does.

Q. Then, with reſpect to theſe other drafts, have you ever ſettled any account with him perſonally, by the ſettlement of which, he had admitted that theſe other drafts were his?—*A.* No.

Mr. Garrow. *Q.* Had he a banking-book?—Yes.

Q. Did he ever complain that you had put down drafts which he knew nothing of?—*A.* No.

Mr Gibbs. *Q.* Have you made the entries in the banker's books?—*A.* I have.

Q. Have you ever, yourſelf, delivered that book to him, and received it again?—*A.* His clerk took it away.

Mr. Garrow. *Q.* Did he ever bring it himſelf?—*A.* Yes.

Q. Have you not paid drafts to the amount of many thouſands, with ſimilar ſignatures?—*A.* Yes.

Q. It is the courſe of your banking-houſe, (it is not the courſe of every houſe), from time to time, to return the drafts which a cuſtomer has drawn, with their book?—*A.* Yes.

Q. Have you done ſo with Mr. Adamſon?—*A.* Frequently.

Q. Has it happened that you have returned ſimilar ſignatures to that which is now put into your hand?—*A.* Yes, always.

Q. Did he ever complain that there were any drafts inſerted which he knew nothing of?—*A.* No.

Mr. Gibbs. *Q.* Do you recollect any inſtance, after the delivery of this book, that he re-delivered the book to you, admitting thoſe drafts as good?—*A.* Yes, I do.

Mr. Garrow. *Q.* How many times in a week has this book been carried backwards and forwards like a ſhuttlecock?—*A.* I cannot ſay how many times.

Mr. Gibbs. *Q.* Has Mr. Adamſon himſelf ever perſonally brought the book to your houſe?—*A.* Yes, he has.

Q. And without making any objections to the drafts being cancelled?—*A.* No.

Court. *Q.* How long did the book laſt?—*A.* A twelve month.

—— Beachcroft *ſworn.—Examined by Mr. Garrow.* *Q.* The priſoner kept caſh at your houſe?—*A.* Yes.

Q. Are you acquainted with the manner of the priſoner's hand-writing?—*A.* Yes; I have ſeen him write.

Q. And made payments in conſequence of his ſuppoſed ſignature?—*A.* I have.

Q. Look at that?—*A.* *(Reads a draft upon the Bank of England, dated the 27th of January, 1798, for £845.)*

Q. Is that ſignature the hand-writing of the priſoner?—*A.* I believe it is; I ſhould have paid a draft with that ſignature, if it had come to our houſe.

Q. Have you a perſon correſponding with your houſe of the name of Stevens, of Mancheſter?—*A.* We have.

Q. Was he in the courſe of drawing upon your houſe upon a plate ſimilar to that now in your hand?—*A.* Exactly ſimilar.

Q. Look at the book, and tellme if the endorſement, which purports to be the endorſement of Mr. Adamſon, is his hand-writing?—*A.* I believe it to be Mr. Adamſon's writing.

Q. Be ſo good as look at that acceptance?—*A.* The letters are R. D. B.

Q. Is it the courſe of your houſe, for each partner, when he accepts, to uſe his own initials?—*A.* Yes.

Q. It went backwards and forwards, as other men's banking-books?—*A.* Yes.

Q. Is that accepted by you?—*A.* It is not my acceptance.

Q. It is not the courſe, as in ſome houſes for each partner to uſe the initials of the whole firm?—*A.* It is not.

Q. Look at that liſt, whoſe hand-writing is that?—*A.* I believe it to be Mr. Adamſon's writing.

Croſs-examin'd by Mr. Gibbs. *Q.* Have you ſeen him write?—*A.* Yes. *(That line of the liſt read which applies to the bill in queſtion.)*

" 27th January, 1798, Joſeph Adamſon, £490 Bowles and Company, 4th April, £490."

(The bill read). " Accepted R. D. B."

Q. Look at the filling up of the bill, do you believe that to be the hand-writing of the priſoner?—*A.* It appears to me to be his writing.

Mr. Gibbs. *Q.* You have known Mr. Adamſon ſome time?—*A.* Yes.

Q. His character, I believe, has been a very good one?—*A.* Very good, as far as my knowledge of him extends.

Thomas Stevens *ſworn.—Examined by Mr. Knowlys.* I am a manufacturer at Mancheſter.

Q. Is the ſignature to that bill your ſignature?—*A.* It is not.

Q. Is that bill the ſame ſort of plate that you uſe in drawing upon Beachcroft and Co.?—*A.* It is.

Q. Who

Q. Who procured that plate to be engraved for you?—*A.* I went in January laſt, with Mr. Adamſon, to an engraver, and got that plate engraved.

Croſs-examined by Mr. Conſt. Q. Have you known Mr. Adamſon ſometime?—*A.* Yes.

Q. What has been his character within your knowledge?—*A.* I always believed him an honeſt man; I never found him to the contrary.

JAMES HOLT *ſworn.—Examined by Mr. Giles.* I am a manufacturer, at Mancheſter, and have had ſome dealings with Mr. Adamſon.

Q. Is that ſignature, "James Holt," your hand-writing?—*A.* It is not.

Croſs-examined by Mr. Knapp. Q. You have known the priſoner, Mr. Adamſon, ſometime?—*A.* Yes, about five years; I believed him to be a very honeſt, ſteady, induſtrious man.

JOHN CHETHAM MORREY *ſworn.—Examined by Mr. Garrow.* Q. Is that endorſement written by you?—*A.* No.

Q. Do you know any thing of that bill?—*A.* No. I never ſaw it till after he was in cuſtody.

Mr. Gibbs. Q. This man had always a very good character?—*A.* Yes, always.

Mr. JOHN WINTER *ſworn.—Examined by Mr. Garrow.* Q. Did you go with the officer to Mr. Adamſon's houſe?—*A.* Yes. *(Produces a large bundle of impreſſions from the ſame plate.)*

Mr. Gibbs. Q. He has given you a great deal of fair information, I believe?—*A.* More to Mr. Kaye than myſelf.

Mr. JOSEPH KAYE *ſworn.*—It was intimated to me by the officer, that Mr. Adamſon wiſhed to give all the information in his power.

Q. Had you yourſelf, or any perſon, ſaid any thing to induce him, or threaten him to give any information that he might?—*A.* No. I told him that whatever he communicated muſt be voluntary, and if he choſe to give me any, I would receive it; but he muſt not hope for any thing in conſequence of it. I had all the bills, and I ſhewed him this amongſt the reſt, and he pointed out this to me as a forgery; I aſked him as to the endorſer who Mr. Holt was, and he ſaid a correſpondent of his at Mancheſter; I aſked him if he knew whoſe hand-writing it was, he ſaid it was not Mr. Holt's, but he did not know whoſe it was; he ſaid that was not the hand-writing of Mr. Morrey.

Croſs-examined by Mr. Gibbs. Q. He gave you all the information he could, and, I believe, has materially aſſiſted you, has he not?—*A.* I believe he did.

Priſoner's defence. I did not intend to have troubled the Court with a ſingle word upon the caſe, but have relied wholly upon that adminiſtration of juſtice which is peculiar to the juriſprudence of this country; but finding, to my utter ſurprize, that Mr. Wilkinſon has thrown the whole of the blame upon me, I think it a duty I owe to God, to my country, and my friends, to declare, that I do not know any thing about his buſineſs; and I declare ſolemnly, as I hope for ſalvation, that I had nothing to do with his tranſactions. Every aſſertion that he has made upon that ſubject is not true; if I have erred, I have erred through ignorance and miſrepreſentation. I forbear ſaying more, not meaning to implicate any body. I leave the reſt to my Counſel.

Q. *(To Mr. Kaye.)* I believe you had reaſon to think that all the information he gave you was true?—*A.* Perfectly.

GUILTY **Death.** (Aged 32.)

(The priſoner was recommended by the Jury to mercy, on account of his openneſs, candour, and apparent contrition.

Tried by the London Jury, before Mr. Juſtice BULLER.

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300. ROBERT REEVES was indicted for that he, on the 1ſt of February, had in his cuſtody and poſſeſſion, a certain receipt for a part, to wit, £670 of a certain contribution, to wit, a contribution of £670 towards raiſing £7,500,000 mentioned in a certain Act of Parliament, paſſed in the 36th year of his Majeſty's reign, by way of Annuities; and that he, unlawfully adviſing and intending to defraud the Governor and Company of the Bank of England, on the ſame day, did forge and counterfeit, under the ſaid receipt, a certain other receipt, for another part of the ſaid contribution, the tenor of which is as follows:

Received £.100 10*s.* for ſecond payment, William Mullens. Entered W. Johnſon.

with intent to defraud the Governor and Company of the Bank of England.

Second Count. For a like forgery with intent to defraud Thomas Parry.

Two other *Counts* for uttering, as true, like forged receipts, knowing them to be forged, with the like intentions.

And four other *Counts*, charging him with ſimilar offences, varying the manner of charging.

(The indictment was ſtated by Mr. Giles, and the caſe by Mr. Garrow.)

THOMAS PARRY *ſworn.—Examined by Mr. Giles.* Q. What are you?—*A.* I am out of buſineſs; I was a tobacconiſt formerly.

Q. How long have you known the priſoner, Mr. Robert Reeves?—*A.* Six or ſeven years.

Q. When had you firſt any tranſaction with him reſpecting advancing money upon ſecurities? *(The witneſs referred to a book.)*

Croſs-examined by Mr. Knapp. Q. When were thoſe memorandums made?—*A.* As they happened.

Mr. Giles.

Mr. Giles. You may refreſh your memory with them then.

On the 21ſt of March, 1796, he applied to me to ſell my ſtock, and hold Scrip-receipts for it.

Q. Who was to have the uſe of the money which the ſtock produced?—*A.* The priſoner or his principal; and he depoſited Scrip-receipts with me to the amount of 300l.

Q. How many receipts did he depoſit?—*A.* I do not know whether it was two or three receipts, but there was to the amount of 300l. exactly. The next application was the 18th of February, 1797; I advanced him 224ol. in money, he depoſited for that, Scrip-receipts to the amount of 460ol. On the 16th of May, he applied to me again, to ſell 1000l. of my Conſols; I agreed to it, for which I received 1000l. in Scrip-receipts.

Q. Look at that, and ſee if that is the receipt you then received?—*A.* This is the very one, it is marked.

Court. *Q.* Was it in the ſame plight that it is now?—*A.* He brought me a receipt with only one payment upon it; I cannot ſay exactly whether it was that receipt or another; then I opened the receipt, it was folded up; I ſaid, Mr. Reeves, here is only one payment upon this, I ſhould have one paid in full; he accordingly ſaid, oh, ſo it is; I will get one paid in full, or, I will make it paid in full, I do not know which was the expreſſion exactly, but it was to that purport.

Q. This was at the Bank?—*A.* Yes, in the Three per Cent. office. He then left me, and went, as I thought, to make the payment. In about an hour, he returned, and gave me that very receipt exactly as it is now, and ſaid, there, Mr. Parry, there is one paid in full.

Q. In what character did he apply to you to make theſe advances?—*A.* As a broker, and he appeared to go to his principal always.

Q. What tranſaction had you with him afterwards?—*A.* On the 17th or 18th of July, or thereabouts, I gave him 2000l. Loyalty Loan to ſell for me; he told me the ſame day, he had ſold them for 615l. money, and for that money he gave me 1200l. in Scrip-receipts.

Q. Go on to the time when you received a memorandum of him, ſtate when, and upon what occaſion? *(ſhewing him a paper)*—*A.* About the 21ſt of October, 1797, as near as I can gueſs, I received this from Mr. Reeves.

Q. Whoſe hand-writing is that paper?—*A.* I believe it to be the priſoner's hand-writing.

Q. Are you acquainted with his hand-writing?—*A.* Yes; I have ſeen him write, and I believe that to be his hand-writing.

(It is read.)

Q. What was the occaſion of his giving you this memorandum?—*A.* It was an agreement, as he told me, between him and his principal.

Q. What are theſe 30l. and 15l. mentioned in the memorandum?—*A.* That was a continuation from different ſettlement days.

Q. Did you ever make any application to the priſoner for the re-payment of this money, and the delivering up the ſecurities?—*A.* I applied to him to put them into my name as ſtock.

Q. You mean the Scrip-receipts to be turned into ſtock?—*A.* Yes. He ſaid, I will go and hear what they have to ſay, meaning, as I ſuppoſed, his principals; when he came back again, he uſed to ſay, you may as well let it go on for a time, you have got Government ſecurity in your hands, and therefore you need not be uneaſy about it.

Q. You did permit it to go on?—*A.* I did.

Q. Did any thing occur, and what, to raiſe any ſuſpicion that this ſecurity was not what you believed it to be?—*A.* Something excited my ſuſpicion, in conſequence of which I enquired at the Bank, and found the ſecurities were not what I expected.

Croſs-examined by Mr. Knapp. *Q.* If I underſtand you right, the firſt time you ſaw the receipt it was with one payment?—*A.* Yes.

Q. It was returned afterwards, but you do not take upon yourſelf to ſwear it was the ſame that he had given you before?—*A.* No.

Q. You have employed the priſoner to act as a broker for you, in jobbing of Scrip-receipts and ſtock?—*A.* I never employed him to buy any but 2000l. Loyalty-loan.

Q. Do you know that the Scrip-receipts are marketable in their different ſtages?—*A.* I have heard ſo from the priſoner, never from any body elſe.

Q. Do not you know, that when the payments are made up full upon the Scrip-receipts that they are full as marketable as ſtock, and are marketable even when the Stocks are ſhut?—*A.* I took this as ſuch from the priſoner, but never made any enquiry of anybody elſe.

Q. Have not you underſtood from Mr. Reeves, or from anybody elſe, that you could convert the Scrip-receipts into ſtock?—*A.* I never made any enquiry about it.

Q. Do not you know, from having the poſſeſſion of Scrip-receipts, that you could convert them into ſtock at any time?—*A.* Had they been good, I ſhould ſuppoſe ſo.

Q. Did Mr. Reeves ever induce you, or ſay any thing to prevent your converting them into ſtock, during the time you had them?—*A.* He ſaid, I might as well keep them according to the agreement; his agreement tied me from it.

Q. You might have done ſo, and broke your agreement?—*A.* I might have broke it immediately.

Priſoner.

Priſoner. Q. Did not you attend at the Bank two, three, and four times a week, for a twelve-month, previous to my being apprehended?—*A.* Yes, I did.

Q. Have not you lent money upon Scrip-receipts to William-Daniel Moxley?—*A.* I never have to any perſon but yourſelf; I do not know the perſon.

Q. Did you never buy any Scrip yourſelf?—*A.* I never bought any Scrip.

Q. Of no kind?—*A.* No; I had no tranſaction of any kind but with you.

—— ASLEE *ſworn.—Examined by Mr. Garrow.* I am Deputy to the Chief Caſhier of the Bank.

Q. Look at that receipt; the firſt payment was made at the Bank?—*A.* Yes, and the receipt for that is good.

Q. Has any ſubſequent payment been made upon that receipt?—*A.* No ſubſequent payment has been made upon this receipt.

Q. What is the name you found ſubſcribed to the ſecond receipt?—*A.* The name of William Mullens.

Q. Is there a perſon of the name of William Mullens in the Bank, a caſhier?—*A.* Yes, there is.

Q. Are you well acquainted with his character, and manner of writing?—*A.* Perfectly.

Q. Do you believe that ſignature to be his, or to be a forgery?—*A.* I am ſatisfied that it is not his.

Q. Is there a perſon of the name of William Johnſon, employed as an entering clerk to theſe receipts?—*A.* There was at that time.

Q. Are you acquainted with the character of his writing?—*A.* Perfectly well.

Q. Is that ſignature Mr. Johnſon's writing?—*A.* I am ſatisfied it is not.

Croſs-examined by Mr. Knapp. Q. I obſerve that you have told us that the firſt payment is made upon that, and that that firſt payment is genuine?—*A.* Yes.

Q. Is your recollection ſufficient to ſay ſo, or do you derive your knowledge from any other ſource?—*A.* I derive my knowledge from a compariſon with the book.

Q. Is the book here?—*A.* It is.

Q. Do theſe Scrip-receipts, before the payments are fully made up, paſs in the market?—*A.* They are negociable.

Q. Do you mean by that, they are negociable after the firſt payment?—*A.* Yes.

Q. Then, when the payments are fully made up, I ſhould ſuppoſe, they are more negociable than at firſt, becauſe the ſecurity is better?—*A.* They may be kept in that ſtate, but it ſo happens, that they are moſtly converted into ſtock.

Q. In the courſe of your experience in ſuch tranſactions, it may, and does happen, that receipts, with payments partly made up, are convertable into ſtock?—*A.* Yes.

Q. When they are made up, and the ſtock is ſhut, are they not marketable, notwithſtanding the Stock is ſhut?—*A.* Certainly.

Q. Then, in point of fact, they are better ſecurity, are they not, during the time the ſtock is ſhut, than ſo much ſtock?—*A.* The ſecurity at that time could not be given in ſtock when the books are ſhut; therefore, if receipts of this kind had been made into ſtock, prior to their ſhutting, there would have been no opportunity of negociating that ſtock.

Q. Then, in fact, when the payments are fully made up, and a perſon has the poſſeſſion of them, during the time the ſtock is ſhut up, it is more convenient to thoſe perſons who wiſh to job?—*A.* Yes.

Court. If the time had elapſed, and the payments were not made up, they would not have been negociable.

Mr. Knapp. Q. Have any inſtances come within your knowledge, where the Act of Parliament forfeits the payment, that they have come into the Alley, and are marketable?—*A.* Thoſe omiſſions do ſometimes happen, but I did not, myſelf, know of any being negociated in that ſtate.

Q. Does not the Bank themſelves advance money upon it?—*A.* Yes, they do.

Q. And what ſecurity have they?—*A.* They take the receipts as a collateral ſecurity.

Q. Do the Bank keep them after the payments are made?—*A.* There have been inſtances of that kind.

Q. And after they remain with the Bank, have they been iſſued out again, and returned to the parties, upon paying the inſtallments?—*A.* They are always returned to the parties depoſiting them.

Q. They may go back again floating into the market?—*A.* They may.

Mr. Garrow. Q. Do not the Bank regularly make the payments when the inſtallment-day comes?—*A.* Yes.

Q. Then, what the gentleman calls getting back floating into the market, is not in blank, but with the payments filled in?—*A.* Yes.

Q. Sometimes, when there has been an accidental omiſſion, they have been permitted to make it after the day?—*A.* Yes.

Q. Where it has been made out to be a clear omiſſion?—*A.* Yes.

Q. Did you ever know an inſtance in your life, of five different inſtallments being permitted to be made up, after the whole ought to have been made up?—*A.* Such a thing might have happened before the time of the report being made to the Treaſury of the defaulters; but after that, there are no ſuch payments,

payments, certainly, for any part, or the whole would have been taken.

Q. Supposing the last to be paid the 26th of October, might the drawer of it have gone and received a year's dividend?—*A.* He could have received his year's dividend on the 5th of January, 1797.

Q. That is, supposing it converted into stock?—*A.* Yes.

Prisoner. Q. When these receipts are paid up in full, is it not optional for the persons who pay them up, to keep them out as long as they please?—*A.* I know no limitation.

Q. Are they not very often in circulation for a twelvemonth, or two years, after the whole of the payments are made up, before they are made stock of?—*A.* I believe it may have happened so.

Court. Q. I need hardly ask you whether, if the first payment is genuine, that does not give credit to the paper, and to the payments made?—*A.* Certainly.

WILLIAM JOHNSON *sworn.—Examined by Mr. Giles. Q.* You were one of the entering clerks of the Bank in the year 1797?—*A.* I was; I am now one of the cashiers.

Mr. Knapp. Q. As entering clerk of the Bank, do you give security for your situation?—*A.* All the Bank clerks give security.

Mr. Giles. Q. Look at the name of Johnson signed to the second receipt of that paper, and tell me if it is your hand-writing?—*A.* It is not.

Cross-examined by Mr. Knapp. Q. Do you know to what extent the circulation of Scrip-receipts, in the market, extends—nearly as much as Bank-notes?—*A.* It depends upon the quantity in the market; there are a great number of them circulated in the market.

Court. Q. Do you know Mr. Mullens's hand-writing?—*A.* Yes.

Court. Q. Is the signature to that his hand-writing?—*A.* I think not; it appears to me not.

Mr. Mullens called.—

Mr. Garrow. My Lord, I propose to ask Mr. Mullens whether it is his signature; he was rejected upon the former trial; I only offer him that the Jury may see we keep nothing back; if he is objected to we shall not call him.

Mr. Knapp. I certainly object to him.

WILLIAM TOMLINSON *sworn.—Examined by Mr. Giles. Q.* Did you, after Mr. Reeves was in custody, go to his house, with any of the Bow-street officers, and search it?—*A.* I did; and found these Scrip-receipts in a bureau. *(Produces them).*

Q. Do you know what the amount of them is?—*A.* Something more than 28 or 29000l. all of them have the first payments only made up genuine, the rest are all blank.

Mr. Garrow. (To Aslee.) Q. Look at these Scrip-receipts?—*A.* They are all genuine, and are receipts for the first payment only.

Tomlinson. I found them in October 1797.

Q. Then those payments, which were not made, were all forfeited?—*A.* Yes.

Mr. KAYE *sworn.—Examined by Mr. Garrow.* I attended on the 30th of October, 1797, when Mr. Reeves was examined upon the subject of those receipts that had been passed to Mr. Parry, there were two receipts produced, the one stated in this indictment, and another, I pressed him very much to know from whom he had received them; his answer was, he did not know, he had got no entry, or account of it; he stated his having paid a continuation interest to Mr. Parry, from the November preceding, up to October, about eleven months, amounting to from twenty to thirty per cent. according to the different settlements that had been made.

Q. Did that statement, that he had paid a continuation interest, lead you to put any question to him?—*A.* I said, you being a clerk in the Bank, and a Stock-broker, must know, that in 1797, you could have carried these Scrip-receipts and paid them into the Bank as stock, at any hour; he said, he knew that; I said, and that you would then have been entitled to have received a year's dividend upon them; he said, yes; I then said, what could be your inducement to pay from twenty to thirty per cent continuation interest, when you could have turned these receipts into stock, and sold them for the money you borrowed, and you would have had a year's interest in addition; he said, he had no inducement, and seemed very much agitated; I repeated it several times, half-a-dozen times, I suppose, and he repeated four or five times the same answers.

Cross-examined by Mr. Knapp. Q. You pressed him very strongly?—*A.* Yes.

Q. You did not hold out any inducement to him to say what he did?—*A.* No.

Q. Nor any threat?—*A.* No.

(The receipt is read).

"Loan 1796, for 7,500,000l.

"1000l. Three per Cent. Annuities, 1796, to be added to the Three per Cent. Consolidated Annuities, by virtue of a resolution of the House of Commons for raising 7,500,000l. for the service of the year 1796.

"Received of B. and A. Goldsmid, Esq. the sum of 67l. for a deposit of ten per cent. upon 670l. subscribed by him, in pursuance of the above-said resolution, and upon due payment of the remaining 90l. per cent. of the said sum of 670l. the said subscriber, or his assigns, by his or their endorsement thereon, will, in exchange for this receipt, become intitled to 1000l. joint stock of

Three

Three per cent. Annuities which were conſolidated at the Bank of England, by certain Acts made in the 25th, 28th, 29th, 32d, and 33d years of the reign of his late Majeſty King George II. and by ſeveral ſubſequent Acts, the intereſt to commence from the 5th of January, 1796. Any ſubſcriber who ſhall be poſſeſſed of any Exchequer bill or bills, iſſued purſuant to an Act made, entitled an Act for raiſing a certain ſum of money by Loans, or Exchequer bills, for the ſervice of the year 1796; and by another Act, paſſed in the ſame ſeſſion, entitled an Act for raiſing a further ſum of money, by Loans or Exchequer bills, for the ſervice of the year 1795; or by another Act, paſſed in the ſame ſeſſion, entitled an Act for enabling his Majeſty to raiſe the ſum of 2,500,000l. for the uſes and purpoſes therein-mentioned; or by another Act, paſſed in the ſame ſeſſion, entitled an Act for granting to his Majeſty, a certain ſum of money out of the Conſolidated Fund, for the ſervice of the year 1795, and for further appropriating the ſupplies granted in this ſeſſion of Parliament, will be ready to pay or deliver in the ſame, with the intereſt due thereon, for the purchaſe of the ſaid Annuities; and every ſubſcriber, who ſhall complete his ſubſcription on or before the 2d of September next, will be allowed a diſcount, after the rate of three per cent. upon the the ſum ſo completing the ſubſcription, from the day of paying it, to the 26th of October, 1796.

" Witneſs my hand, this 26th day of April, 1796. J. Pretty.

" £67 Entered W. Johnſon.

" Received £100 10s. for the ſecond payment.
" Wm. Mullens.

" Entered W. Johnſon."

Mr. Knapp. My Lord, It ſeems to me that there is an objection in this caſe, which muſt be fatal to it. Your Lordſhips obſerve this is an Act, the title of which is, for raiſing a ſum of ſeven million and a half by way of Annuities, and it ſtates that that Act paſſed the legiſlature on the 14th of May, 1796. Now it appears upon the face of this inſtrument, that the only date there is to be found, is the 26th of April, 1796. It ſeems to me, my Lord, that that is a payment made before the paſſing of the Act of Parliament, which creates a puniſhment upon any perſon who ſhall be found guilty of forging an inſtrument of this ſort, and therefore cannot be a felony and forgery by this Act of Parliament. Neither the indictment, nor the inſtrument itſelf, bears any other date than the 26th of April, your Lordſhip will therefore be bound to ſee, whether, in this caſe, you can have reference to this Act of Parliament upon which the indictment is founded.

My Lords, your Lordſhips would probably aſk me why I preſume the 26th of April was the date as appropriate to the ſecond payment, or the third payment, or any other payment, ſtated upon the inſtrument itſelf. It is not for me to contend, that your Lordſhip is bound down by the 26th of April, but it ſeems to me, that it is quite ſufficient for me to contend, that if there be no date upon the face of the thing, as applicable to any of the receipts, ſo ſtated upon that paper-writing, your Lordſhips will not preſume a date againſt the priſoner at the bar, unleſs you feel yourſelves bound ſo to do.

Lord Kenyon. This is for uttering, now the uttering was long ſince that day in May.

Mr. Knapp. I was aware your Lordſhip would ſee that. But does your Lordſhip think you can go out of the record itſelf, and out of the thing itſelf, as it is ſtated upon the paper-writing, and let in parole-teſtimony to explain that writing; or is not your Lordſhip of opinion, that it muſt appear diſtinctly upon the face of the writing itſelf, and cannot derive any aſſiſtance from any parole-teſtimony which may be given upon the occaſion. With reſpect to Forgeries, I apprehend, wherever a date is ſtated upon the record, and the inſtrument is ſtated to be forged, it is for my learned friend to ſhew that that forgery was committed upon the day ſtated in the indictment, and in the inſtrument itſelf. I truſt, that in this caſe, if there is in any date appearing upon it, your Lordſhip will have reſort to that date, and will not feel inclined to be aſſiſted by any evidence of a parole nature.

(Mr. Raine ſaid a few words on the ſame ſide.)

Lord Kenyon. If an indictment ſtates an inſtrument of any date, the inſtrument produced muſt correſpond with it; but there can be no doubt that a forgery may be committed upon an inſtrument which has no date, and if it appears that this was uttered after the time of the paſſing of the Act, does not that do away the objection?—I ſee nothing at all in the objection.

Priſoner. Q. (To Aſſee.) Prior to the date of the Act, were there not receipts for the Loan of ſeven millions and a half iſſued by the Bank—cannot the whole of the payments be made at one time?—*A.* Certainly they can. But in that caſe, the mode of giving the receipt is different. Suppoſing any gentleman had come between the day of the depoſit and the 26th of May to make a payment in full, the lower parts would have been ſcratched through, and the whole amount then paid would have been written.

Court. Q. To make it agreeable to the Act?—*A.* Yes.

Priſoner's defence. My Lord, and Gentlemen of the Jury. I humbly crave leave to ſay a few words. My Lord, I have known Mr. Parry a conſiderable time, and tranſacted a great deal of

buſineſs

buſineſs for him. My Lord, the receipts that I gave Mr. Parry I took in the common courſe of buſineſs from the Stock Exchange; I will bring gentlemen from the Stock Exchange, to ſhew that Scrip-receipts are taken without taking any notice of them. Mr. Parry attended almoſt every day for a twelve-month before this took place; he always found me in buſineſs; I was not a day from the Bank, and if I had been guilty of the crime of forgery, or of uttering, knowing to be forged, is it poſſible for you, my Lord, and the Gentlemen of the Jury, to ſuppoſe that I ſhould have continued in my ſituation at the Bank? I hope, my Lord, and Gentlemen of the Jury, before you give a verdict, before you conſign a fellow creature to the grave, I hope you will pauſe well, and conſider, before you find me guilty of ſuch a crime. There is no proof of any thing of the kind; and, if I had been guilty, is it poſſible to ſuppoſe, I ſhould have been found attending my buſineſs, even to the very minute that I was apprehended? Theſe receipts go as current as Bank-notes at the Stock Exchange. Mr. Parry was attending there himſelf every day, and knew as much of the buſineſs as I did myſelf. I now throw myſelf upon the mercy of your Lordſhip and the Jury, humbly craving that, through God Almighty's power, I ſhall receive a verdict of not guilty.

Mr. Knapp. Q. *(To Mr. Kaye.)* I believe Mr. Reeves was, in point of fact, ſent for to the Bank, and came when he was ſent for?—*A.* He came with the perſon who went for him.

For the Priſoner.

GEORGE JOHNSON *ſworn.*—I am a ſtock-broker.

Q. Are you acquainted with the traffic of Scrip in the market?—*A.* Perfectly.

Q. How long have you been a broker?—*A.* Between thirty and forty years.

Q. I believe the buſineſs of purchaſing Scrip in the market, and ſelling it, requires a great deal of expedition?—*A.* Yes.

Q. How long is the office open?—*A.* From ten o'clock till half paſt three.

Q. Every thing that is done, is done in a very great hurry and confuſion?—*A.* Yes, very much ſo indeed.

Q. Do you think a perſon might keep a regular account of the Scrip he bought or ſold on a particular day?—*A.* I do not. I mix them all together, take them to the banker's, and there depoſit them, without taking any account of the numbers.

Q. How long have you known Mr. Reeves?—*A.* Seven or eight years; I remember him when he was a clerk in the Bank.

Q. What is his character for honeſty?—*A.* I never heard any thing againſt his character.

Croſs-examined by Mr. Garrow. Q. You do not take the numbers ſo that you know that you have No. 3, from ſuch a one, and No. 6, from ſuch a one?—*A.* No.

Q. Do you mean to ſay, you keep no account at all?—*A.* I take an account of the thouſands, but not of the numbers.

Q. So that if you had bought of me, upon any given day, 1000l. or 10,000l. Scrip, you would have been able to ſay, I bought 10,000l. of Mr. Garrow on Monday?—*A.* Yes.

Q. Therefore, whether it was No. 6, No. 7, or No. 8, you could not tell; but the amount, and who you bought it of, you would know?—*A.* Certainly.

Q. I believe, you ſometimes borrow money, and borrow ſtock, upon the depoſit of Scrip—do you ever do that?—*A.* I have.

Q. Would you have any difficulty, in that caſe, to name your principal?—*A.* No.

Q. Suppoſe I ſay, Mr. Johnſon, be ſo good as borrow me 10,000l. upon theſe Scrip-receipts; you go to your banker, depoſit them, and get 10,000l. a month; afterwards, if the banker wanted to know who your principal was, you could tell him?—*A.* I ſhould tell him he had no buſineſs with it.

Q. But ſuppoſe he did ſay ſo; ſuppoſing, for the end of public juſtice, it was neceſſary that you ſhould, you would have no difficulty in knowing who your principle was?—*A.* No.

Q. Your books would tell it?—*A.* Yes.

SAMUEL NESBIT *ſworn.*—*Examined by Mr. Raine.* I have been a ſtock-jobber upwards of twenty years.

Q. Have you any dealings with reſpect to Scrip-receipts?—*A.* I have, very large.

Q. They are negociable ſecurities?—*A.* Yes.

Q. Are theſe tranſactions conducted with any degree of hurry and buſtle?—*A.* A wonderful deal.

Q. Then, perhaps, it is not eaſy to keep a regular account of ſuch tranſactions?—*A.* I think it impoſſible.

Q. Are they eaſy negociable ſecurities?—*A.* Perfectly eaſy.

Q. I believe they are negociable when the Stocks are ſhut?—*A.* They are.

Q. Therefore, they are a more marketable commodity than the transfer of ſtock?—*A.* Certainly; becauſe we cannot get ſtock when the Stocks are ſhut.

Q. Have you ever known any error creep into theſe tranſactions, in conſequence of hurry and buſtle?—*A.* I have, ſometimes, bought Scrip where I had bought four papers, and only three have appeared.

Q. Are theſe receipts negociable when all the payments are made up?—*A.* They are.

Q. Do

Q. Do you know the priſoner at the bar?—*A.* I do; I have known him ſixteen or ſeventeen years.

Q. During the whole of that time, what has been his character for integrity?—*A.* I never heard any thing againſt his character.

Croſs-examined by Mr. Garrow. Q. Do jobbers keep books?—*A.* Yes.

Q. Poſſibly thoſe books contain an account of purchaſes and ſales?—*A.* In my book I take an account of the tranſactions.

Q. If you buy, you record that; if you ſell, you record that?—*A.* If it is for a future day I put the ſum and the name.

Q. If you had bought 10,000l. ſtock, could you not have told the next day who you had it of?—*A.* Yes.

Q. Did you take it to be a common thing to keep Scrip-receipts, upon which the full payments have been made, floating in the market?—*A.* It is very frequently the caſe.

Q. For many months?—*A.* I have never kept them ſo long.

Q. Have you ever kept them ſo long as to loſe a great deal of money by not having a dividend?—*A.* No.

Q. Can you poſſibly ſuppoſe an inducement for any man to do that if the receipt is genuine?—*A.* I cannot.

ANTHONY MILLS *ſworn.—Examined by Mr. Knapp.* Q. Are you acquainted with tranſactions in the Alley, with reſpect to Scrip?—*A.* Yes.

Q. Have you been in the habit of buying and ſelling Scrip?—*A.* Yes; and have been concerned in Loans.

Q. Is not the purchaſe and ſale of Scrip attended with a great deal of hurry and buſtle?—*A.* It is.

Q. Is it uſual to keep an account of all the Scrip that a perſon buys in that hurry and confuſion in a day?—*A.* Certainly.

Q. And of whom they buy it?—*A.* Certainly.

Q. Do you mean to ſtate, that you do it yourſelf, or, that it is cuſtomary for other people to do it?—*A.* I always do it myſelf.

Q. You are not a broker?—*A.* No.

Q. What others do, you do not know?—*A.* No.

Q. How long have you known the priſoner at the bar?—*A.* I cannot ſay that I ever ſaw him till I ſaw him here.

FRANCIS WALSH *ſworn.—Examined by Mr. Raine.* I have been a ſtock-broker ſix or ſeven years.

Q. Have you had large dealings in this way?—*A.* Yes.

Q. Have you had dealings in Scrip-receipts?—*A.* Yes.

Q. To a large amount?—*A.* Yes.

Q. Theſe things are conducted with a conſiderable hurry and buſtle?—*A.* Very great indeed.

Q. Are you able to keep a regular account with reſpect to dates and numbers?—*A.* No, not with reſpect to dates and numbers, but the quantity we do; ſometimes we are in ſuch a hurry, that we cannot keep an account of even from whom we have them.

Q. Are thoſe ſecurities very marketable?—*A.* They are.

Q. They are particularly marketable when the Stocks are ſhut?—*A.* They are.

Q. Have you known inſtances of theſe Scrip-receipts being negociated after all the payments are made?—*A.* Yes, long.

Q. How long after?—*A.* I cannot ſay the preciſe time, but for a conſiderable time afterwards.

Q. Are you at all acquainted with the priſoner?—*A.* I have known him five or ſix years, he has always bore a good character.

Croſs-examined by Mr. Garrow. Q. You do not keep an accurate account of the numbers and dates, but you have no difficulty in ſtating to the amount of every purchaſe you make upon every given day?—*A.* Certainly.

JAMES PALMER HOBBS, Eſq. *ſworn.—Examined by Mr. Knapp.* I am a banker.

Q. Do you know the priſoner?—*A.* I have known him a great number of years.

Q. What is his character for integrity and honeſty?—*A* I always found him a very honeſt man, I have employed him upon that idea; his brother was a clerk many years in my houſe.

REV. ROBERT DICKINSON *ſworn.—Examined by Mr. Raine.* I have known the priſoner at the bar upwards of three years.

Q. What character has he borne for integrity?—*A.* I never knew him guilty of any thing that would lead me to ſuſpect he would do any thing wrong; he was conſtant in his attendance at church, and I have had frequent opportunities of obſerving him.

HENRY MACLEAN *ſworn.—Examined by Mr. Raine.* I live in Park-place, Walworth: I have known Mr. Reeves twenty-four or twenty-five years, I always conſidered him as a man of the greateſt integrity, and one that I would have truſted to any extent whatever.

The priſoner alſo called Mr. William Adams, and John Rhodes, who gave him an excellent character.

GUILTY Death. (Aged 35.)

Tried by the London Jury, before Lord KENYON.

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301. WILLIAM WILLIAMS and JOHN ABBOT were indicted for that they, on the 9th of March, in a certain Park and open place, near the King's highway, in and upon John Davis, did make

make an aſſault, putting him in fear, and taking from his perſon a man's hat, value 2s. ten copper halfpence, two copper farthings, two penny-pieces, and two ſhillings and ſixpence, the property of the ſaid John.

JOHN DAVIS *ſworn*.—On the 9th of March, between ſeven and eight o'clock in the evening, I was robbed nearly oppoſite the Horſe-Barracks, in Hyde-Park, as I was going to Kenſington; I was ſtopped by the two priſoners, I am ſure they are the men; they came up and ſeized me by the collar, and after that, I begged them not to hurt me, I was a poor man, and had but little, and begged they would let me go; they then put their hands to my throat, to prevent my calling for aſſiſtance; they then put a bayonet to my cheek, which bled me; they took away two ſhillings and ſixpence, twelve halfpence, a farthing, and two penny-pieces; they threw me down and uſed me very ill after that, and threatened my life; they tore my breeches to pieces, *(produces them)*, to ſee if there was any thing in the fob; after that they took my hat from me; they wanted to pull my coat off, they gave it a pull, and then went away.

Q. Was it light or dark?—*A.* Not very light, nor very dark.

Q. How long were they with you?—*A.* They might be with me as much as two minutes, I cannot ſay.

Q. You were alarmed, I ſuppoſe?—*A.* Yes.

Q. How were they dreſſed?—*A.* As they are now.

Q. What ſort of hats had they on?—*A.* Round hats.

Q. In ſuch a moment of agitation, it being pretty near dark, and ſtaying with you ſo ſhort a time, can you conſcientiouſly ſwear that you believe them to be the men?—*A.* Yes; I took ſo much notice of them, that I am ſure they are the two men that ſtopped me, and robbed me.

THOMAS GRIFFIN *ſworn*.—I am a private ſoldier in the firſt regiment of Life-guards: on the 9th of March, between ſeven and eight o'clock, I was going out to fetch a pail of water for my horſe, I heard a noiſe in the Park, and ran on to the road immediately, and aſked what was the matter; Thomas Haynes came up, and ſaid he was robbed.

Q. Do you know any thing of Davis?—*A.* No; Haynes ſaid, he thought they were gone towards the gate at Hyde-Park-corner; I had ſcarce got to the gate when the two priſoners came up; Haynes ſaid, theſe are the men, ſtop thief, ſtop thief; I took them, and delivered them up at the watch-houſe; that is all I know about it.

JOHN LONG *ſworn*.—I heard a cry of ſtop thief: I ſaw Williams run acroſs from Hyde Park-gate over to St. James's Park-gate, and there I caught him, and made him priſoner; I ſaw the other man turn back into Hyde-Park again.

JAMES KENNEDY *ſworn*.—On the 10th of March, the Magiſtrate deſired me to bring the two priſoners from the watch-houſe, and I brought them; I ſearched Abbot, and found a ſilk handkerchief rolled within a muſlin one; and there was a hat delivered to me by the beadle of the watch-houſe, which Davis ſwore was his property.

WILLIAM PRICE *ſworn*.—On the 12th of March, I was at New-priſon, and heard of a gentleman that was robbed of two ſilk handkerchiefs, and a watch.

Court. *Q.* They are not in the indictment.

Price. I ſearched Williams, and found two penny pieces, ſeveral halfpence, and two farthings.

Williams's defence. I was coming home from over Blackfriars bridge, and when I came to the gate, two men laid hold of me.

Abbot's defence. I was going through the Park, and I picked up a hat, which I found better than my own, and I threw that away.

The priſoner, Williams, called his ſerjeant, who gave him a good character.

Williams, GUILTY **Death**. (Aged 22.)
Abbot, GUILTY **Death**. (Aged 23.)

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

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302. JOSEPH PENN was indicted for feloniouſly ſtealing, on the 3d of March, two pint pewter pots, value 14d. the property of William Wilſon.

WILLIAM WILSON *ſworn*.—I keep the Dover Caſtle, Red Lion-ſtreet, Whitechapel: On the 3d of March, in the afternoon, I was ſent for home, and informed that ſome pots were ſtolen; the priſoner was there, I ſearched him, and found one of theſe pint pots under his apron, and another in his breeches; I had loſt above twenty pounds-worth of pots within twelve months; I know them to be my pots, becauſe they are numbered, and have my name upon them. I had ſeen the priſoner about half an hour before oppoſite my houſe.

THOMAS BUSH *ſworn*.—I am a broker: I was in at Mr. Wilſon's, on the 3d of March, and Mrs. Wilſon told me the priſoner had got ſome pots, and he immediately ſaid, no, he had not; I laid hold of him, and then Mr. Wilſon came in, and took one pint pot from under his apron, and another out of his breeches.

Priſoner's defence. I did not deſign taking them, but I had not a bit of bread to eat, nor had not had for four days, neither me nor my family; we were all ſtarving.

Q. *(To Wilſon.)* Did you ever ſee the priſoner before?—*A.* Yes; I have helped him to work ſeveral

ſeveral times; he is a porter at ſales, and goes of errands.

GUILTY (Aged 55.)

Confined ſix months in the Houſe of Correction, publicly whipped, and diſcharged.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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303. MARY MOUNTJOY was indicted for feloniouſly ſtealing, on the 23d of February, a feather bolſter, value 5s. two woollen blankets, value 10d. a ſheet, value 10d. a patch-work counterpane, value 10d. a wooden pail, value 10d. and a pillow, value 10d. the property of Patrick Bradley, in a lodging room.

PATRICK BRADLEY *ſworn.*—I live at No. 10, Coal-yard, St. Giles's: I let a lodging ready furniſhed to the priſoner, ſhe was to pay three ſhillings a week; the articles in the indictment were a part of the furniture; ſhe went away from her lodgings, and took the tickets with her, without giving me any notice; I heard, from ſome market women, that ſhe was about Covent-Garden market, and I deſired them to tell her to give me the tickets, and I would not proſecute her; and ſhe ſent me word, I might do as I liked about that. I got a ſmith, and broke open the door, and miſſed all the articles in the indictment. They were all pawned at one place, and the pawnbroker is here with them, except the pail.

JOHN FRANKS *ſworn.*—I am ſervant to a pawnbroker, *(produces the property)*; the priſoner at the bar pledged all theſe articles with me at different times; I have known her for ſome time. *(The property depoſed to by the proſecutor.)*

Priſoner's defence. I did not mean to leave the room till I had put the things in their place again; I had left things of my own there.

Q. (To Bradley.) Did ſhe leave any thing of her own there?—*A.* I believe there were three baſkets of her's there; and ſhe had taken another lodging.

GUILTY.

Confined ſix months in the Houſe of Correction, and fined 1s.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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304. JOHN MACBRIDE was indicted for feloniouſly ſtealing, on the 16th of February, two copper pots, value 12s. and a copper ſaucepan, value 3s. the property of John Williamſon.

JOHN WILLIAMSON *ſworn.*—I am a publican; I keep the Ship and Unicorn, in Gravel-lane, Shadwell: On the morning of the 16th of February, I came down ſtairs and opened my ſtreet door about half after ſeven, I found that the lock of the waſh-houſe door, at a little diſtance from the houſe, had been broke open, and the property in the indictment gone. I had ſeen the things there the day before.

DENNIS M'CARTY *ſworn.*—I am a victualler in Eaſt-Smithfield: On the morning of the 16th of February, between ſeven and eight, the priſoner came in with a copper pot and a ſaucepan; I ſuſpected that he had ſtolen them, and he confeſſed it.

Q. Did you tell him it would be better to confeſs it?—*A.* Yes, I did indeed; I did not ſtop him, but he ſtaid in my houſe voluntarily, till the officer came and took him away. Elby, the officer, took the property and the priſoner away with him.

WILLIAM ELBY *ſworn.*—I am a conſtable belonging to the Police-office, Shadwell; *(produces two copper pots and a ſaucepan)*; one copper pot and ſaucepan I had from the laſt witneſs's houſe, and then the priſoner went with me to an old clothes ſhop, in Back-lane, one Davis's, a Jew, and there I found the other pot.

Williamſon. This is my property; the one that was found in Back-lane he confeſſed to be mine.

Q. Had you made no promiſe or threat to induce that confeſſion?—*A.* I had not.

Priſoner's defence. I found them.

GUILTY (Aged 18.)

Privately whipped, and diſcharged.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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305. JAMES VINTNER was indicted for feloniouſly ſtealing, on the 9th of March, a wooden caſk, value 8s. the property of Thomas Pinkerton, William Hamilton, and John Hamilton.

JOHN GILFELLEN *ſworn.*—Meſſrs. Pinkerton and Hamiltons belong to the Carron Shipping Company, for ſending Ordnance ſtores down to Carron: The priſoner went on board the ſhip Thames, and enquired for caſks belonging to Mr. Skerridge; he ſaid that he came from him; I had never ſeen him before; he went down to get one of the caſks from the captain, and as he was coming from the ſhip on to the Glaſgow-wharf, I ſtopped him with a caſk on his back.

Q. Then this was to be delivered to Mr. Skerridge?—*A.* Yes; the Company were liable to Mr. Skerridge for it; he is a porter-brewer in the Borough.

Q. And the captain is liable to the Company?—*A.* Yes.

Court. This might maintain an indictment for obtaining goods under falſe pretences, but cannot amount to a felony.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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306. JAMES EAMER was indicted for feloniouſly ſtealing, on the 15th of February, a wicker

wicker baſket, value 2d. and fifty eggs, value 3s. the property of Thomas Briggs.

MARY BRIGGS *ſworn.*—I am the wife of Thomas Briggs: I keep a chandler's ſhop, in Groſvenor-place, Pimlico; about ten minutes before nine in the evening of the 15th of February, the priſoner came in for a pennyworth of tobacco; while I was ſerving him, I ſaw a hand come over his ſhoulder, and take away a baſket of eggs. Mr. Atkins, a neighbour, brought the baſket back.

——— ATKINS *ſworn.*—I ſaw the priſoner and two men in the evening of the 15th of February; the firſt time I ſaw them, I heard them whiſtle, and I ſaw three men looking in at my window; the priſoner was one of them; they all appeared to be like ſoldiers, but it was dark; I went a little further and watched them; they looked in at ſeveral ſhops; I followed them up to Briggs's ſhop, and Eamer went in firſt, one of the others followed him, and took the baſket out over his head.

Priſoner's defence. I went to have ſome tobacco; I know nothing of the man that took the baſket.

GUILTY (Aged 21.)

Confined one month in Newgate.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice BULLER.

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307. WILLIAM MASON was indicted for feloniouſly ſtealing, on the 15th of July, twenty-five yards of linen, value 37s. the goods of William and Samuel Holmes.

JOHN COVILLE *ſworn.*—The priſoner at the bar was brought into the warehouſe by the officers, with a piece of Iriſh under his arm. I did not ſee him take it.

GABRIEL JOHNSTON *ſworn.*—I am conſtable of Farringdon Ward within: On the 15th of July I was ſitting in Bread-ſtreet, at the ticket-porters bench, about three o'clock in the afternoon; one of the ticket porters that was ſitting along with me, aſked me if I knew that man that was going on the other ſide of the way; he told me he was an old thief. The priſoner went down Bread-ſtreet; he turned back, and looked into Mr. Gardner's warehouſe, and after that he went into the warehouſe, and I ſaw him come out with this piece of cloth under his arm, *(produces it.)* He walked down the ſtreet; I got off the bench, and ran after him; I took him by the collar, and aſked him where he took this from, he told me he did not know where he got it; I aſked him what it was, he told me he did not know; then there were ſeveral people came about him. I took him into Mr. Gardner's warehouſe; Mr. Coville came from out of the accompting-houſe; I aſked him if he had loſt any thing.

Court. Q. *(To Coville.)* Whoſe property is this?—*A.* It is the property of William and Samuel Holmes.

Q. Do you know the priſoner?—*A.* No. I did not ſee him till he was brought in by the conſtable.

GUILTY (Aged 65.)

Confined ſix months in the Houſe of Correction, fined 1s. and diſcharged.

Tried by the London Jury, before Mr. COMMON SERJEANT.

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308. MOSES KNOTT was indicted for feloniouſly ſtealing, on the 10th of February, in the dwelling-houſe of Richard Davis, a leather purſe, value 1d. containing 18 guineas and a ſixpence, the property of Henry Gilbert.

HENRY GILBERT *ſworn.*—I am a journeyman coach-harneſs maker: The priſoner at the bar engaged part of my bed on the 9th of February, at No. 3, Silk-ſtreet, Cripplegate Without, by Grub-ſtreet, at Richard Davis's houſe.

Court. Q. What apartment have you in the houſe?—*A.* Only a part of a bed on the ſecond floor; he ſlept with me that night, and on the Saturday evening he came in as early as ſeven o'clock, upon the 10th, with a pretence of going to bed; he went up ſtairs to go to bed, as I thought, and he was there in the room about a quarter of an hour; then he came out of the room, and came down part of the ſtairs, and called to me, and deſired me to get him a pot of beer; I went and got him a pot of beer; when I came back, he was gone. I went and looked at my box, it was forced open, and the money taken out, eighteen guineas and a ſixpence; I had ſeen it about half an hour before; I had taken ſome money to go to market.

Court. Q. Did any body go into your room?—*A.* Not after I left it; the priſoner was the only perſon that went into the room; I ſaw him lock the door.

Court. Q. Did you find any part of the money afterwards?—*A.* No. Some perſon had given him information that I had got this money.

Jury. Q. Did you ever get your purſe again?—*A.* No.

SARAH MORRIS *ſworn.*—Moſes Knott and Mary Knott came to my houſe; I aſked them up ſtairs; they ſaid, where is George; I ſaid, he would not be at home yet; Moſes Knott ſaid, I know of a deviliſh good job, and it will be the making of him if he will come and take it; I know a lodger has got fifty guineas in his box, Mary Knott made anſwer and ſaid, that will be twenty guineas a-piece.

Court. Q. How long was this before the robbery?—*A.* This was on the Monday, between five and ſix o'clock, when I ſaw them, I don't know how

how long they had been looking for me; they had been at my place before, but I was not at home.

Jury. Q. *(To Gilbert.)* How was it done?—*A.* The lock was wrenched off.

Jury. Q. Of how many did Davis's family conſiſt?—*A.* Only his wife and three ſmall children.

For the Priſoner.

THOMAS JENKINS *ſworn.*—I know the priſoner; he is a labouring man; he uſed to work at the rope-grounds; I have known him five or ſix years; he is a very honeſt fellow. He has lived ſince upon Tower-hill, at the King's Arms.

Q. What are you?—*A.* A maſter-ſaleſman. I live at Whitechapel.

STEPHEN DAVIS *ſworn.*—I am a potter. I live in Long-lane, in the Borough, a journeyman.

Court. Q. To whom?—*A. (after long heſitation)* I only went to work for him laſt week. I have known the priſoner two or three years, he goes to work in the rope-grounds.

Court. Q. What part did he do?—*A.* I cannot tell, I never ſaw him at work. He is a very honeſt man as far as I know.

GUILTY **Death.** (Aged 70.)

Tried by the London Jury, before
Mr. COMMON SERJEANT.

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309. JAMES GRAY was indicted for that he, on the 19th of March, in the King's highway, in and upon James Barrett, did make an aſſault, putting him in fear, and taking from his perſon, a pair of ſpectacles mounted in ſteel, value 5s. a red morocco caſe, value 12d. an eye-glaſs ſet in mother of pearl, value 4s. a pen-knife with two blades, value 10d. a muſlin handkerchief, value 6d. two half crowns and a ſhilling, the property of the ſaid James.

JAMES BARRETT *ſworn.*—On the 19th of March, between four and five in the afternoon, I was paſſing along Little St. Martin's lane, when the priſoner at the bar came up, and accoſted me with how do you do, and he ſaid he knew me; I was ſurpriſed at it, I told him, he was quite a ſtranger to me, and that I knew nothing of him; he perſiſted that I did; and I ſtill told him, that I did not; he aſked me for ſomething to drink; I told him, as a ſtranger, I could not think of giving him any thing to drink; he perſiſted in my giving him ſomething to drink, and forced me away to a gin or liquor ſhop.

Q. What do you mean by forcing away?—*A.* He took me againſt my will.

Q. But how againſt your will?—*A.* It was againſt my will.

Q. Did you make any ſtruggle?—*A.* I cannot ſay I did make any ſtruggle, but it was againſt my will to go; there was him and ſeveral others; when I came there, we went into the houſe, and he called for half a pint of rum; he produced the rum, and drank ſome of it himſelf, and ſome he gave to thoſe people that were in company with him, there were three or four more.

Q. Were they ſoldiers?—*A.* Yes. He inſiſted upon my paying for the rum, for which I paid one ſhilling; upon which I changed a ſeven-ſhilling piece, out of which I had two half crowns and a ſhilling, beſides paying a ſhilling for the rum. When we left that place, I meant to go about my buſineſs

Q. How long did you ſtay there?—*A.* Not longer than the liquor was drank. When I came came out, he ſtill perſiſted in detaining me, and laid hold of me, and perſiſted in having ſomething more to drink; upon his perſiſting very violently that he would have ſomething more to drink out of the change I had received, I gave him half a crown, and the other half crown he forced out of my hand; upon that being accompliſhed, he inſiſted upon having two guineas more from me; I was very much ſurpriſed, and aſked him for what; and he inſinuated that I knew for what; I told him, I was at a loſs to know what he meant, as I was a ſtranger, and unacquainted with him; then he perſiſted upon my going to another houſe, and forced me away to another houſe, called the Cart-and-Horſes, in Little St. Martin's lane.

Q. Were the other people with him all the time?—*A.* They were. When we came there, he forced me into a box to ſit down, and called for a pen and ink and ſome paper; he then inſiſted upon my writing an order for two guineas; I told him I would not, and perſiſted in it; after this, he rifled my pockets of a pocket handkerchief, a pair of ſpectacles, and an eye-glaſs, a ſmall pen-knife and a muſlin handkerchief; I called out, was I to be robbed and murdered? he then knocked me down upon the bench, I was then upon my legs; after this I had occaſion to go into the yard to make water, and he forced me into the neceſſary, and there he unbuttoned my coat and waiſtcoat, and turned out my pockets; ſtill the others were with him, and in the ſtreet alſo; and, at the time my pockets were rifled, two or three of them ſtood to ſcreen him while he was doing it. After he had ranſacked my pockets and undone my clothes, he ſuffered me to come out; he ſwore he would ſplit my ſcull and beat out my brains, if I did not give him two guineas. After this, I was forced back into the box from whence I came, in the room, where he told me, after being there but a ſhort ſpace of time, he would take my hat, my ſhirt and my boots, which I had on at that time. While this happened, a perſon whom I knew nothing of, who happened to be in the room, went to Bow-

ſtreet,

ſtreet, and gave information there, and they quickly came to my aſſiſtance, or elſe I no not know what would have been the conſequence.

Q. At the time the violence was committed upon you in the ſtreet, was there any body about?—*A.* It had rained a little, and there were very few people about; I was very much frightened.

Q. Are you ſure that is the man?—*A.* It is.

Q. Have you any doubt at all?—*A.* I have not a doubt.

Croſs-examined by Mr. Alley. *Q.* What may you be?—*A.* I live with Mr. Packhurſt, at Maidſtone.

Q. Do you mean to ſay you live there now?—*A.* No.

Q. Were you his ſervant?—*A.* Yes; butler and valet. I have now lodgings in St. Martin's lane.

Q. Where is the gin-ſhop you ſpeak of?—*A.* Somewhere in that neighbourhood, but I cannot ſay the houſe.

Q. Have you never been in London before?—*A.* Yes, I have, at various times.

Q. How long is it ſince you lived in London before?—*A.* Six months and a half.

Q. Where did you live then?—*A.* With the preſent Lord-Mayor.

Q. Were you a ſervant of the Lord-Mayor's?—*A.* Yes.

Q. Were you diſcharged by him?—*A.* Yes. I was his Lordſhip's man and butler.

Q. Had you a character from his Lordſhip?—*A.* Yes.

Q. This was on the 19th of March, about four o'clock in the afternoon, and was pretty light?—*A.* Yes.

Q. St. Martin's lane is a very great thoroughfare, is it not?—*A.* I have been ſo little there, that I cannot ſay.

Q. You paſs through it every day, do not you?—*A.* No.

Q. How came you paſs through it that day?—*A.* I was going to Bloomſbury.

Q. Were you alone?—*A.* Yes.

Q. Do you know a perſon of the name of Hall, who is an evidence here?—*A.* I was at St. James's, I went to ſee the King, and Hall made way for me to ſtand; and I aſked him to drink ſome beer for his civility, and that is all I know of him, except that he was amongſt theſe people at the time this affair happened.

Q. I thought you ſaid there was nobody there at all that you knew?—*A.* I was ſo flurried I did not take notice.

Q. I believe that Hall is a ſoldier?—*A.* Yes.

Q. And you happened to take a liking to him, and treated him?—*A.* It was for his civility, it was in a room with a great many people.

Q. You went to a public-houſe with him?—*A.* Yes, in the public tap-room.

Q. Do you remember ſeeing the Bow-ſtreet officers there?—*A.* I did not know who they were when they came into the room.

Q. Have you had any converſation with them about this buſineſs?—*A.* No.

Q. Upon your oath, has no one told you that putting in fear, and uſing force, would maintain an indictment for a highway robbery?—*A.* I do not want any ſuch thing.

Q. You went to treat this man at the gin-ſhop?—*A.* Yes; they forced me to go.

Q. Were there not a number of people in the public ſtreet at that time?—*A.* There might.

Q. Did you ſee the landlord of the liquor-ſhop?—*A.* There was a little old woman that could hardly walk.

Q. You had ſome rum, which the priſoner paid for?—*A.* No; I paid for it.

Q. Did you, when you got to the public-houſe, make a complaint to the miſtreſs of the houſe?—*A.* No; but I called out, and ſaid, was I to be robbed and murdered; there was only the woman of the houſe there, and another woman, which I believe was the priſoner's wife, and a man that went for the officer.

Q. Is Hall here?—*A.* No; he attended at Bow-ſtreet, and Sir William Addington ſaid there was no occaſion for his attendance.

Q. Did not you meet a number of people from the gin ſhop to the public-houſe, to whom you could have told your ſtory, and complained of what had been done to you?—*A.* I was ſo much alarmed that I did not.

Q. Upon your oath, was it not in your power to have complained, and had him apprehended?—*A.* I could have got away from one, but not from three or four.

Q. Could you not, at that time, by calling to the paſſengers, have extricated yourſelf?—*A.* I ſuppoſe my fright was the cauſe of my not doing it.

Q. How many men were there altogether?—*A.* Three or four, I believe.

Q. One of them was a friend of your's, who went to Bow-ſtreet?—*A.* No; he was a man that came promiſcuouſly into the tap-room while this diſagreeable buſineſs was going on.

Q. He was a ſoldier?—*A.* I believe he was, by his clothes.

Q. How many where there in the public-houſe?—*A.* Four, beſides the priſoner and the man who went for the officer, he took no notice, but upon hearing me cry out, was I to be robbed, he went away without anybody knowing it, for the officers.

Q. Then there were five altogether?—*A.* Yes.

Q. One of whom went for the officers, and another of them was Hall?—*A.* Yes.

Q. And do you mean to ſay that you could not have

have extricated yourſelf in the public-houſe?—*A.* Yes.

Q. Do not you expect a reward of forty pounds, now, if this man is convicted?—*A.* I have heard of ſuch a thing, but I never was in any trouble.

Q. Do not you expect a ſhare of that reward?—*A.* I have no expectation of any thing but juſtice.

CHRISTOPHER JONES *ſworn.*—On the 19th of March laſt, about five o'clock, a man came to Bow-ſtreet, and ſaid, there was a man being ill-uſed at the Cart-and-Horſes; I went in, and ſaw the priſoner on one ſide of the proſecutor, I ſaw the priſoner put his left-hand under the ſettle; I called for a candle to ſearch him, and I looked under the ſettle, where I found the ſpectacles; I aſked the proſecutor whether theſe ſpectacles were his; he ſaid, yes; but the top was tore off by violence, out of his pocket; I ſearched him again, and found the top of the caſe. *(Produces it).*

Barrett. Theſe are my ſpectacles and caſe.

Croſs-examined by Mr. Alley. *Q.* How many people were there in the public houſe when you went in?—*A.* I believe about four or five.

Q. How long were you in the room before you ſpoke?—*A.* About two minutes.

Q. Then it was not the proſecutor firſt told you he had been robbed, but you aſked who had been robbed?—*A.* Yes, and he ſaid he had.

Court. *Q.* Did the proſecutor know you before?—*A.* No.

ANDREW TAYLOR *ſworn.*—I went with ſome more of my brother officers, and took this piece of wood, which he threatened to beat the man's brains out with.

Priſoner's defence. On the morning of the 19th, I came off guard, met the proſecutor, and he aſked me if I knew a man of the name of Hall; I told him, yes, he was a grenadier, I ſhewed him to him; he ſaid, he ſhould be very glad to have his company, he had been in his company the night before; he aſked me if I had been abroad; I told him, yes; and he ſaid, I was very lucky to come home ſafe; and he ſaid, he could not then go any where to treat me, but another time he would; in the afternoon I ſaw Hall and the proſecutor together; I ſaid, I hope I ſee you well, now, and hope you will give me ſomething to drink, ſo I aſked him to come into my quarters; he ſaid, no, he and Hall were going farther; we went to another houſe, and he wanted to go backwards in the parlour, and there being no convenient place there, he took us into a gin-ſhop, and ordered ſome rum; he pulled out a ſeven-ſhilling-piece, and the proſecutor had a glaſs, and Hall a glaſs, and another man a glaſs, and I had two glaſſes; here, ſays he, take five ſhillings, and make no noiſe about it, and go and drink; Hall ſaid, we will go and drink together, and keep up St. Patrick's-day, and we went to drink at this houſe, the Cart-and-Horſes; he ſaid, he would treat the people to the play; he ſaid, he had got a ticket in his pocket which would accommodate four people for the play; he ſearched for it and could not find it, and he went out of doors, and pulled down his breeches to ſearch if it was there, and nobody ever touched him at all, and he ſaid he could not find it.

Court. (To Barrett.) *Q.* Upon your oath, did you ever ſee this man before you met him in St. Martin's-lane?—*A.* Upon my oath I never did to my knowledge.

Q. Nor ever had any converſation with him upon the ſubject of one Hall?—*A.* Never to my knowledge.

For the Priſoner.

THOMAS HENDERSON *ſworn.—Examined by Mr. Alley.* I am a private in the ſecond regiment of Guards.

Q. Do you know the priſoner?—*A.* Yes.

Q. Do you know the proſecutor?—*A.* No; I ſaw him at the Cart-and-Horſes, in Little St. Martin's-lane.

Q. When was that?—*A.* The night the robbery was done.

Q. Who deſired you to come here to-day?—*A.* The priſoner.

Q. Tell us what took place—were there many people in the public-houſe beſides yourſelf?—*A.* No; there was myſelf, and the priſoner, and two more in another box.

Q. How many were there in your company altogether?—*A.* Another ſoldier beſides myſelf and the priſoner.

Q. Were you in the ſtreet when the priſoner met the proſecutor firſt?—*A.* Yes.

Q. Were there many people paſſing by at that time?—*A.* Not a great many.

Q. Tell us what took place?—*A.* I was drinking in company with the priſoner in the public-houſe, and a ſoldier and the proſecutor were paſſing by, and the priſoner went out and ſpoke to the gentleman; the priſoner aſked him if he would give him ſomething to drink, and they went to the public-houſe, and there was no room to ſit down, and then they went to a gin-ſhop and had half a pint of rum, the gentleman changed a ſeven-ſhilling-piece and paid for it; the priſoner aſked him if he would go with him to his quarters, to drink ſome porter with him; he ſaid, he had not time, and he gave the priſoner two half-crowns to drink; the priſoner then aſked him if he would go and drink a drop before he went, and then he went and ſat down in a little box behind the bar, and the priſoner and the gentleman had a great deal of converſation, that nobody could hear, and the gentleman ſaid, make

no

no noiſe, and don't ſhame me in the houſe; and then I went backwards, and was no ſooner backwards, than the gentleman and the priſoner came backwards; we came in again, and they ſat down all three together in the ſame box.

Q. Did you drink together afterwards?—*A.* Yes. I ſaw ſeveral articles in the priſoner's hand, what they were I do not know.

Q. How long has he been in the regiment?—*A.* I have not known him long.

PETER MICKLETON *ſworn.*—I am a ſerjeant in the regiment: I have known the priſoner two years and a half; previous to that time he was on the Continent. My firſt knowledge of him was at Warley-camp; he was a clean ſoldier, and had a good character.

Court. Q. What is his character as an honeſt man?—*A.* I cannot particularly ſpeak with regard to his moral character, I am not intimately acquainted with him, not being in the ſame company; he is in the light infantry company.

JOHN MACDONALD *ſworn.*—I am ſerjeant in the ſame company with him; he is a very good clean ſoldier.

Court. Q. You confine his character to his military capacity, you do not mean to ſpeak to his moral character?—*A.* I do not know any thing of his moral character.

GUILTY Death. (Aged 23.)

Tried by the ſecond Middleſex Jury, before Mr. Baron HOTHAM.

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310. FREDERICK MOLYNEUX was indicted for unlawfully, knowingly, and deſignedly, obtaining from John and William Pilling, the ſum of 80l. under falſe pretences, the monies of John Pilling and William Pilling, againſt the form of the ſtatute, and againſt the King's peace.

(The indictment was ſtated by Mr. Alley, and the caſe opened by Mr. Gurney.)

WILLIAM PILLING *ſworn.—Examined by Mr. Alley.* I am a corn-merchant; I live in Yorkſhire, near Howden; my brother is a partner with me, his name is John.

Q. Do you recollect, at any time, in conſequence of having obſerved an advertiſement in one of the Yorkſhire public newſpapers, of making application for the purpoſe of borrowing a ſum of money?—*A.* Yes, I do; in the month of July laſt, 1797.

Q. To whom was it you made application for this money?—*A.* To G. H. Morris, No. 81, Baker-ſtreet, Portland-ſquare.

Give me the anſwer to the firſt letter you ſent in July? *(Letter produced, dated 17th July, 1797, ſigned G. H. Morris.)* Q. After you received this letter, did you write another in return?—*A.* Yes, I did.

Q. Do you recollect the date of the ſecond letter you wrote?—*A.* I do not.

Q. Do you recollect renewing an anſwer to the ſecond letter you wrote?—*A.* Yes, I do.

Q. Is that the letter that you received? *(Letter produced, dated 26th of July, 1797, ſigned G. H. Morris.)*—*A.* Yes.

Q. You wrote another in return?—*A.* Yes, I did.

Q. In anſwer to the third letter you wrote, did you receive this letter in return? *(Letter produced, dated 3d of Auguſt, ſigned G. H. Morris.)*—*A.* Yes, I did.

(Another letter produced, dated Richmond, Auguſt 14, 1797.)

Witneſs. That is in anſwer to the fourth letter I wrote.

(Another letter produced, in anſwer to the fifth letter the witneſs wrote, dated 2d of September, 1797).

(Another letter produced, in anſwer to the ſixth and laſt letter the witneſs wrote, dated the 6th of October, 1797.)

Q. Now, during the courſe of this correſpondence being carried on, did you encloſe any draft in any of thoſe letters you directed to G. H. Morris?—*A.* I did.

Court. Q. In which letter?—*A.* I cannot preciſely tell now, it was in the fourth or fifth letter.

Q. After this correſpondence had taken place, and you had ſent this draft to G. H. Morris, did you ever receive any ſum of money by way of a loan?—*A.* No, I did not.

THOMAS CARPMEAL *ſworn.—Examined by Mr. Gurney.* Q. Did you go with Mr. Pilling, any time in November laſt, to No. 81, Baker-ſtreet, Portland-ſquare?—*A.* Yes.

Q. Did you enquire there for a perſon of the name of G. H. Morris?—*A.* I did not go to that ſtreet, I went to Mount-ſtreet, to a public-houſe.

Q. Did you find the defendant at the bar there?—*A.* He was ſtanding at the door; he took us up ſtairs to his room; it was the ſign of the Compaſs. I found in his drawers ſix letters. *(Produces them.)*

Q. Was the priſoner preſent when you ſearched the drawers and found thoſe letters?—*A.* He was.

Q. What did he ſay about the letters?—*A.* Upon my word I cannot ſay; he ſaid, he was only agent in the buſineſs. There was a ham and a part of a ham found. I took him to Bow-ſtreet.

Q. Did any thing attract your notice going to Bow-ſtreet?—*A.* There was a letter thrown by the priſoner into an area; I did not ſee it.

Q. Did you ſee any letter drop into the area or not?—*A.* I did not, I ſaw a letter in an area.

Q. Have you that letter?—*A.* I have not; Taylor has it.

Q. You went to Bow-ſtreet, who was ſitting there?—*A.* Sir William Addington.

Q. Do

Q. Do you know whether, in point of fact, any regular examination was taken, and ſigned by the priſoner?—*A.* I believe not, I think not; there was an examination taken, but I do not know whether he ſigned it or not.

Q. After this, was the priſoner ſent away from that office to be examined at any other office?—*A.* To Guildhall.

Q. *(To Pilling.)* Are thoſe the letters you ſent yourſelf, *(the letters produced)*, in anſwer to the letters you received?—*A.* Yes.

Court. You cannot prove that the priſoner was the perſon who ſent thoſe letters; you cannot prove them to be the hand-writing of the priſoner, therefore he muſt be acquitted.

NOT GUILTY.

Tried by the London Jury, before Mr. RECORDER.

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311. EDWARD PYBUS was indicted for obtaining, under falſe pretences, two yards and a half of drab kerſeymere, value 25s. the property of Thomas Lermitte.

WILLIAM SMITH *ſworn.*—I am a ſervant to Mr. Thomas Lermitte: On Thurſday the 29th of March, the priſoner came to my maſter's ſhop, and ſaid he came from Mr. Wilkie, in Little Britain, and brought a note, which I have now in my hand, for the article mentioned in the indictment. *(The note produced.)*

Court. Q. Was your maſter acquainted with Mr. Wilkie?—*A.* Yes; he was a cuſtomer of his; in conſequence of that, I let him have the two yards and a half of kerſeymere; that is all I have to ſay.

Court. Q. What might be the value of it?—*A.* One pound five ſhillings.

GEORGE WILKIE *ſworn.*—I am a taylor; I know the priſoner at the bar.

Court. Q. Was he ever your apprentice?—*A.* Yes.

Q. Was he at the time thoſe goods were obtained, your apprentice?—*A.* No; he was out of his time a twelve-month laſt Chriſtmas. I gave him no orders to get the kerſeymere. *(The note ſhewn him.)* I never gave it him; I never ſaw it till Mr. Lermitte's man ſhewed it me.

Priſoner's defence. I allow I am guilty; it has been occaſioned through bad company ſince I have been out of my time, and which has brought me to the ſtate I am in now.

Mr. Wilkie. He was a very good apprentice when he lived with me.

GUILTY.

Tranſported for ſeven years.

Tried by the London Jury, before Mr. RECORDER.

312. EDWARD DAWSON, Eſq. and JOHN HALL were indicted, the firſt, for that he, on the 6th of March, upon the ſaid John Hall did make an aſſault, and then and there wickedly and diabolically, and againſt the order of nature, had a venereal affair with the ſaid John Hall, and then and there carnally knew the ſaid John, and committed that deteſtable and abominable crime, among Chriſtians not to be named, called buggery, with him the ſaid John Hall; and that he the ſaid John Hall was conſenting with the ſaid Edward, and permitted the ſaid Edward carnally to know the ſaid John, and committed the deteſtable and abominable crime of buggery.

Both NOT GUILTY.

Tried by the firſt Middleſex Jury, before Lord KENYON.

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313. GEORGE HART was indicted for obſtructing William Walton, an Exciſe-officer, on the 25th of September, while in the execution of his duty.

(The indictment was ſtated by Mr. Knowlys, and the caſe by Mr. Fielding.)

WILLIAM WALTON *ſworn.—Examined by Mr. Knowlys.* I am an Exciſe officer: On the 25th of September I was ſtationed near Aſhford, in the county of Kent; I know the priſoner perfectly well, and he knew me. On the 23d of September, 1795, in conſequence of an information I had received, I went to Newchurch in Kent; I called upon Mr. Thomas Hayward, an officer of Exciſe, to aſſiſt me; we ſaw a large quantity of unmanufactured tobacco in a cart; I cut open one of the bags, and found it was tobacco; the cart paſſed me about one in the morning of the 26th; it was a moon-light night; I told Hayward that we ſhould ſeize it; Mr. Hayward rode the fore horſe of the cart, while I went behind, and took a ſample from the cart.

Q. What ſort of bags were they?—*A.* Bags about forty pounds weight, the uſual bags that are uſed by ſmugglers in conveying tobacco. When I rode up, Hayward told me that Hart was taking the reins from the ſhaft horſe; I immediately rode round to prevent him from ſo doing; a ſcuffle then enſued between us, in which I threw Hart into the hedge; he then ſprung from the hedge, and caught me by the collar of the coat, drove me from the horſe, and called Waddell to his aſſiſtance, and they both fell upon me, and beat me with their fiſts; Hart ſat upon me, and got his hand twiſted in my neck-handkerchief; in that ſituation I remained inſenſible, and on recovering myſelf, I found Hart ſitting upon me, with a large drawn knife, he ſwore that the goods and horſes were not given up, and he would murder me. Waddell

came

came back ſome time after, with the cart and horſes, and they went off.

Q. Were any fire-arms uſed?—*A.* Hayward ſaid he had diſcharged his piſtol, but that was while I was inſenſible.

Q. What rendered you inſenſible?—*A.* He ſtrangled him by the neck-handkerchief.

Q. In conſequence of the treatment you had received, were you at all ill?—*A.* I was not able to do my buſineſs for a month; I went to a public-houſe, and called the people up.

Croſs-examined by Mr. Raine. Q. Did you know the priſoner before?—*A.* Yes.

Q. Have you not frequently ſeen him ſince?—*A.* Once or twice.

Q. So that he has not been out of the way?—*A.* I cannot ſay that.

Q. He made no reſiſtance, till you made an attack upon him?—*A.* I made an attack to prevent his unharneſſing the horſe from the cart, and he held a ſtick to keep me off.

Q. You were armed, I believe, with a cutlaſs?—*A.* Yes, and piſtols.

Q. He had no arms?—*A.* Not to my knowledge.

Mr. Knowlys. Q. You have ſeen him ſince—have you ſeen him in ſuch a ſituation as that you dared to take him?—*A.* One of the times we went to his houſe to take him, and he went away.

THOMAS HAYWARD *ſworn.—Examined by Mr. Fielding.* I am an Exciſe-officer: I was with Mr. Walton on the night of the 25th of September, 1795; I knew the priſoner before, and he knew me; I ſtaid in the field with the horſes; Mr. Walton laid under the hedge, to watch the cart coming; Mr. Walton came to me, and told me the cart was gone by; we went after it; Mr. Walton went behind, and called to me, ſeize the horſes and the cart, for it is loaded with tobacco; I ſeized it, and Hart was endeavouring to unharneſs the horſe; I called to Mr. Walton, and almoſt directly Mr. Walton called out for help; I went up, and Waddell and Hart were both upon him; I told them if they did not leave off, I ſhould be under the neceſſity of firing upon them; Hart ſaid, d——n your eyes and limbs, fire and be d——d, for we have fire-arms as well as you; I then fired, and ſhot Hart in the hip; upon that Waddell came up to me with a piſtol, and ſnapped it at me; he had a cutlaſs, which I ſuppoſed was taken from Mr. Walton; he ſaid, d——n your eyes, we will ſoon ſettle you. Finding we could not do any thing, we gave it up.

Q. You afterwards called out to Mr. Walton?—*A.* Yes, ſeveral times, but he did not anſwer; I thought he had been dead.

Croſs-examined by Mr. Raine. Q. At the time you were almoſt overpowered, Hart was not with you?—*A.* No.

Q. Did you ſee Mr. Walton ſtrike him with a cutlaſs?—*A.* No.

Q. You fired at Hart, and hit him?—*A.* Yes.

Q. You were very near him, were not you?—*A.* I was very little diſtance from him.

GUILTY (Aged 28.)

Confined twelve months in the Houſe of Correction.

Tried by the firſt Middleſex Jury, before Mr. Baron HOTHAM.

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314. GEORGE HART was again indicted for obſtructing, on the 3d of July, 1790, William Fillery, an Exciſe-officer, in the execution of his duty.

(The indictment was ſtated by Mr. Knowlys, and the caſe by Mr. Fielding.)

WILLIAM FILLERY *ſworn.—Examined by Mr. Knowlys.* In the night of the 2d of July, 1790, I went with Mr. Taylor to make a ſeizure, in conſequence of an information; we were to meet two other officers, in the fields between Camberwell and Kennington, where they were to come through; the priſoner Hart and a boy came paſt with three horſes; the boy rode one and led one, and Hart rode the other; they were loaded with bags of tobacco, ſuch bags as are uſed by ſmugglers; it was in the middle of the night; I do not know whether the clock had gone twelve or not. I ſaid to Taylor, here they are coming, now we want our companions, but we muſt do our endeavours to take them if we can; I was laying beſide a gate-poſt, and I jumped up and caught Hart's horſe by the bridle; I told him we were officers, knew him perfectly well, and ſhould ſeize his horſes and his tobacco; he then ſaid, d——n your eyes, you are officers are you, you b——s, come up here, and we will give it them, ſays he, ſpeaking to his boy. Mr. Taylor took hold of the horſe's halter that he was leading, and I ſtruck at Hart with my ſtick; by ſtriking at Hart, I got the bridle into my own poſſeſſion; I hit him again, over the knee, with my ſtick, and told him to get off; the boy then coming up to his aſſiſtance, ſtruck me on the head, and nearly knocked me down, with a large loaded whip; Hart then cut at me ſeveral times with his whip, and as I recovered again, I called to Taylor to help me to get him off the horſe; Taylor came up, and fired his piſtol at him, behind him; now, you b——s, catch me if you can, ſays he, and ſet ſpurs to his horſe, and rode away with one horſe, and the boy with the other, leaving one horſe and five bags of tobacco in my poſſeſſion; we then came acroſs the fields, to go to Kennington Common, and then Hart and the boy met us again, with their horſes unloaded, and ſaid, now you b—s,

we

we have you, and ſwore at us very much; I told him, if he advanced a ſtep further I would ſhoot him. Taylor was leading the horſe, Hart and the boy turned about and rode off, the boy went down by the brick-fields, and Hart went back again; I purſued the boy, the horſe with the bags we had tied up to the pales; while I was purſuing the boy, Hart came and cut the bridle, and got the loaded horſe away from us; I purſued the boy, he jumped off his horſe, and we ſeized it.

Croſs-examined by Mr. Raine. Q. Are you ſure he is the man?—*A.* Yes; I have ſeen him often and often.

Q. He had no fire-arms?—*A.* No.

Q. It was the boy that treated you ſo roughly?—*A* The boy hit me with a ſtick.

GUILTY (Aged 28.)

Confined eighteen months in the Houſe of Correction,

Tried by the firſt Middleſex Jury, before Lord KENYON.

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315. THOMAS MORRIS was indicted for feloniouſly ſtealing, on the 3d of October, a ſilver watch, value 15s. the property of William Brooks, privily from his perſon.

(The caſe was opened by Mr. Conſt.

WILLIAM BROOKS *ſworn.*—On Monday the 3d of October, 1796, in the afternoon, I loſt my watch, at John Brown's, at the ſign of the Riſing-ſun, at Enfield, the priſoner and his brother were there at the ſame time: I fell aſleep and loſt it out of my pocket; I had been aſleep about two hours, and being in company with the priſoner, I accuſed him of it, and he ſaid, he did not know any thing of it; I am ſure I had it in my waiſtcoat pocket when I fell aſleep, I ſlept with my head on the table. About eight months after, I heard that the priſoner had pawned a watch; I went to the pawnbroker's, in Redcroſs-ſtreet, to ſee it, and there was my watch pawned, in his name, for fifteen ſhillings.

(Jonathan Trott, the conſtable, produced the watch).

Brooks. This is my watch, it has my name engraved on the back-ſide.

Court. Q. You did not feel it go from you?—*A.* No.

Court. Q. Were you perfectly ſober?—*A.* No; I was rather freſh.

JAMES MEAD *ſworn.*—I worked with the priſoner at times, and as he and I were walking up Redcroſs ſtreet, the priſoner pointed to a pawnbroker's-ſhop, and ſaid, he had pawned his watch there for fifteen ſhillings. I mentioned it to my brother, and he mentioned it to Brooks.

JOHN THOMAS *ſworn.*—I am ſhopman to Benjamin Bottomley, a pawnbroker: I received this watch, on the 4th of October, 1796, in the name of Thomas Morris, of Enfield; I do not know that the priſoner is the man.

JONATHAN TROTT *ſworn.*—On the 16th of June, 1797, I received a warrant to apprehend the priſoner at the bar: I took him at Luton, in Bedfordſhire, on the 6th of March.

Priſoner's defence. I went to the privy, and found this watch lying upon the ſeat, and I came into the houſe and enquired if any body owned ſuch a thing, and nobody owned it.

GUILTY (Aged 34).

Of ſtealing, but not privily from his perſon.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury, before Mr. RECORDER.

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316. ISAAC MORSE was indicted for feloniouſly receiving, on the 29th of Auguſt, two pieces of printed muſlin, value 40s. the property of Benjamin Bailey, and George Sutherland, part of the goods of which George Johnſon was, at the laſt Aſſizes for the County of Surrey, convicted of ſtealing, he the ſaid Iſaac knowing them to have been ſtolen.

(The caſe was opened by Mr. Knowlys).

(George-Henry Wilton produced an office-copy of the record, which was read).

BENJAMIN BAILEY *ſworn.—Examined by Mr. Knapp.* I am in partnerſhip with George Sutherland, at Carſhalton, in Surry: We loſt muſlins, cottons, and dimities, from our bleaching-grounds, in Auguſt laſt.

Q. Were they put there for the purpoſe of bleaching?—*A.* They were.

Q. Have you ſeen ſome muſlin that was produced in Surry, and that is now in Court?—*A.* Yes; that muſlin is my property.

JOHN LARBY *ſworn.—Examined by Mr. Knowlys.* Q. You were formerly a ſervant of Meſſrs. Bailey and Sutherland?—*A.* Yes: On Saturday night, the 26th of Auguſt, Johnſon and I went down to commit the robbery; we went through the water, the grounds are by the water-ſide, and he deſired me to bring ſome goods out, and he would ſtay there and watch; I went in, and brought out an armfull; then he and I both went in, and brought out more; we went to the ſtable and harneſſed the horſe and cart, and brought them to town. I lived then in Parſon's-walk, Newington-butts; we hid them in a field, in a ſack, in a ditch, except two pieces; we took them, about one or two o'clock in the day, to Iſaac Morſe's, he was not at home; when he came home, I aſked him what he would give for it; he ſaid, he would give a guinea and a half, a few ſhillings more or leſs; I told him we had got ſome more for him that was in a field. I went to Johnſon,

Johnſon, and gave him half of the guinea and a half.

Q. What was the quantity he had for a guinea and a half?—*A.* Two pieces of printed muſlin; we got the reſt away from the field, except twelve pieces, on the Monday in a coach; we took them to Bunhill-row, and the next day took them to Morſe's, he gave us eight guineas for them; the next day he told me he did not like to buy any more at his own houſe, if I would bring him any more, to bring them to the King's-head, or Queen's-head, in Old-ſtreet, he would buy ſome more; Robert Griffiths, and he and I, went there, we went into the parlour, there was nobody there but ourſelves, and a little girl that brought us in ſome liquor.

Q. What was it you got for that parcel?—*A.* I think, a guinea and a half.

Croſs-examined by Mr. Gurney. Q. You had lived ſervant with Meſſrs. Bailey and Sutherland?—*A.* Yes.

Q. You were the author of this ſcheme of going to rob your maſters?—*A.* No; I was ready to go as well as Johnſon.

Q. You yourſelf were afterwards taken up?—*A.* Yes.

Q. You eſcaped from the jail?—*A.* Yes.

Q. You began to think you ſhould be hanged for the offence?—*A.* Yes.

Q. And then you accuſed Morſe of receiving theſe goods?—*A.* Yes.

CATHERINE JOHNSON *ſworn.—Examined by Mr. Knapp.* I keep the King's-head, in Hoxton-ſquare.

Q. Do you know the priſoner?—*A.* Yes.

Q. Do you remember when he was at your houſe?—*A.* No.

Q. Do you know who was with him?—*A.* No; there were two men came with him and went into the parlour, and ſtaid about half and hour.

Q. Had they any thing with them?—*A* They had ſomething tied up in a handkerchief.

Q. Did they go away together?—*A.* I believe they did.

Q. Should you know either of the other two men if you ſaw them?—*A.* No.

Q. How long was this before Morſe was taken up?—*A.* I cannot tell.

Croſs-examined by Mr. Gurney. Q. You were at the Public-office in Worſhip-ſtreet when the priſoner was examined?—*A.* Yes.

Q. Was a man of the name of Johnſon ſhown you there?—*A.* Yes.

Q. Was he one of the men that came to your houſe?—*A.* I am certain, to my knowledge, that he was not.

Q. Look at Larby, will you ſwear that he was one of them?—*A.* I do not remember that I ever ſaw him before this time.

HANNAH CHAPMAN *ſworn.*—I have known the priſoner eleven or twelve years, he was taken up at my houſe; he had only ſlept one night at my houſe in the Hackney-road; the priſoner lives in King's-gate-court, Shoreditch.

Q. In what name did he come to your houſe?—*A.* Iſaac Morſe.

Q. Had you any directions from him what name you were to call him by?—*A.* I had not.

Q. How came he to ſleep at your houſe?—*A.* His wife was lying-in, ſhe was delivered two days before.

Q. Were there any muſlins taken from your houſe?—*A.* Yes, there were.

Q. Who brought thoſe muſlins to your houſe?—*A.* Morſe; he ſaid, he had been ſwapping for it, and he made me a preſent of that piece that was found at my houſe.

Q. Did you ſhew it to anybody?—*A.* Yes; I ſhewed it to Mrs. M'Gregor.

Croſs-examined by Mr. Alley. Q. How long had Mrs. M'Gregor that piece in her poſſeſſion?—*A.* About ten minutes, or a quarter of an hour.

Court. Q. Did ſhe take it out of your houſe?—*A.* I gave it her over the garden pales, and ſhe took it into her own houſe.

SARAH M'GREGOR *ſworn.—Examined by Mr. Knapp.* Mrs. Chapman gave me a piece of muſlin, I had it about ten minutes, I gave it to my huſband, and my huſband gave it me again, and I gave it back to Mrs. Chapman.

JOHN M'GREGOR *ſworn.—Examined by Mr. Knapp.* I am an accomptant at the Pelican-office: Mrs. M'Gregor gave me a piece of muſlin, which I had in my poſſeſſion about ten minutes.

Q. The ſame muſlin that you received from your wife; did you return it to her again?—*A.* I did.

JOHN ARMSTRONG *ſworn.*—I am one of the officers of Worſhip-ſtreet: I went to Mrs. Chapman's with a warrant, I puſhed in at the back-parlour, forced the door open, and ſaw the priſoner in the attitude of jumping out of the window, and I ſecured him; I found this muſlin under the bed. *(Produces it).*

Bailey. I can ſwear to this muſlin, from its being in an unfiniſhed ſtate, all the colours are not put into it; it is worth about three or four guineas.

ELIZABETH LARBY *ſworn.—Examined by Mr. Knapp.* I ſaw the priſoner at Griffiths's houſe in Bunhill-row, my huſband ſent me there; I told him that he had ſent me there to deſire them to remove the things, as he was taken into cuſtody; Morſe ſaid, they would remove them as ſoon as they could; he was talking about buying the things, and he ſaid, he had not wherewith to buy them at that time; I underſtood from Griffiths, in the hearing of the priſoner, that he had bought ſome things of my huſband the night before.

Croſs-

Croſs-examined by Mr. Alley. Q. You are the wife of the accomplice?—*A.* Yes.

Q. And you know you aſſiſt in ſaving him by your evidence?—*A.* Yes.

The priſoner left his defence to his Counſel, and called five witneſſes, who gave him an excellent character. There were a great many others who were not examined. GUILTY.

Tranſported for fourteen years.

Tried by the firſt Middleſex Jury, before Mr. Juſtice BULLER.

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317. THOMAS EVANS was indicted for feloniouſly ſtealing, on the 21ſt of February, two leather bags, value 2s. the property of our Sovereign Lord the King.

(The caſe was opened by Mr. Fielding.)

WILLIAM HEWETT *ſworn.—Examined by Mr. Abbot.* I live with the maſter of the Fox public-houſe at Knightſbridge, it is a receiving-houſe for Penny-poſt-letters, they are always brought of an evening by ſome of the Mail-coaches: On the 21ſt of February, the Mail-coach came up about a quarter before nine, I ſaw the guard throw a pair of bags down from the coach, I went to pick them up, and there were ſome ſoldiers coming by, one of them kicked the bags away from me juſt as I had got hold of it, it was kicked from my hand, and then he picked it up, and ran away; I followed him, and he turned round and knocked me down, I got up and loſt ſight of him juſt as he was going into the barracks at Knightſbridge. I ſhould not rightly know the man again, becauſe it was dark.

Q. Have theſe bags uſually any mark upon them?—*A.* Yes, Brompton and Chelſea.

JOSEPH TROTMAN *ſworn*—Do you know the priſoner at the bar?—*A.* Yes.

Q. Do you recollect having ſeen him on the 21ſt of February laſt?—*A.* Yes; we were drinking together at the Nag's-head, at Knightſbridge, we came away between eight and nine in the evening to go to the Barracks; as we were coming paſt the Fox public-houſe, I ſaw the priſoner pick up the bags on the foot-path, and run off with them.

Court. Q. Did you ſee the bags at that time?—*A.* No.

JAMES SUMMERS *ſworn.*—I am a letter-carrier to Chelſea, *(produces the bags)*; I received them from the ſerjeant at the Barracks.

—— CLATTON *ſworn.*—I took two bags from the priſoner on the 22d of February, in the morning, I cannot ſwear that theſe are the bags, I gave them to the ſerjeant-major, Lee.

Q. *(To Summers.)* Where did you get theſe bags?—*A.* From ſerjeant-major Lee.

THOMAS HOLLIDAY *ſworn.—Examined by Mr. Abbot.* I am drummer in the ſame regiment with the priſoner: I got up about half paſt five, to beat my drum about a quarter before ſix in the morning of the 22d of February, I ſlept in the next bed to the priſoner; I ſaw him riſe up and take two bags from under him.

Q. Did you ſee him open thoſe bags?—*A.* Yes; they contained letters; I read the direction of one, ſays I, this is a penny poſt letter, directed to Knightſbridge. They had got braſs labels upon them, one Chelſea, and the other Brompton.

Priſoner's defence. I was coming along and picked them up, I did not ſee any body near, I was very much in liquor.

—— GOLDSMITH *ſworn.*—I ſlept in the ſame barracks with the priſoner; he gave the bags to me in the morning, and deſired me to take them to the Poſt-Office, he thought they belonged there; that was between ſix and ſeven o'clock.

Mr. Abbot. Q. Before or after the bags were opened?—*A.* After. GUILTY.

Confined ſix months in the Houſe of Correction, fined 1s. and diſcharged.

Tried by the ſecond Middleſex Jury, before Mr. Baron HOTHAM.

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318. FRANCIS PAYNE was indicted for feloniouſly ſtealing, on the 20th of March, thirty-eight pounds of cheeſe, value 14s. the property of Thomas Blunt.

MARY BLUNT *ſworn.*—I am the wife of Thomas Blunt, cheeſemonger, No. 13, High Holborn: On Tueſday, the 20th of March, a little after nine o'clock at night, a man came in for a quarter of a pound of cheeſe, and another came in and aſked for a pennyworth of cheeſe, and then the priſoner at the bar came in behind the other man, I took notice of him particularly; he ſtopped and ſaid, d—n me, I will have it; I ſaw him take it, and he went away with it. I went out and called a watchman, and he went after him and took him immediately.

Priſoner's defence. I was coming down Holborn, and the watchman knocked me down; I do not know any thing about the cheeſe.

GUILTY (Aged 22.)

Confined ſix months in the Houſe of Correction, and fined 1s.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice BULLER.

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319. DENNIS CARTY was indicted for feloniouſly ſtealing, on the 19th of February, twenty pounds of old iron hoops, value 1s. 6d. the property of Richard Meux the elder, Richard Meux the younger, Andrew Read, John Read, Henry Meux and Thomas Meux.

JOHN MASON *ſworn.*—I am clerk to Meſſrs. Meux and Co.: On the 19th of February, between twelve

twelve and one at noon, I ſaw the priſoner coming acroſs the yard, I promiſcuouſly ſtruck my hand againſt his pocket, and I hurt my hand; I found it was iron, I took him to the accompting-houſe, and ſent for an officer; and found ſeveral pieces of iron hoops in his pocket, ſixteen guineas and two half-guineas, that I do not know any thing about. He has worked for Mr. Meux between two and three years, in the capacity of a bricklayers' labourer.

WILLIAM CHAPMAN *ſworn.*—I am an officer. *(Produces the iron.)*

Q. (To Watſon.) Is that your maſter's iron?—*A.* I cannot poſſibly ſay, we have ſuch quantities that it is impoſſible to miſs it.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. Baron HOTHAM.

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320. GEORGE BIRD, JOHN CHAMBERS, and JOHN ANNIS, were indicted, the two firſt for feloniouſly ſtealing, on the 23d of October, forty pounds weight of raw ſugar, value 20s. the property of Robert Milligan and David Mitchell, in a ſhip called the Buſhey Park.

Second Count. Laying it to be the property of Roderick Morriſon.

Third Count. Laying it to be the property of certain perſons unknown, and Annis for receiving the ſame, knowing it to have been ſtolen.

(The indictment was ſtated by Mr. Jackſon, and the caſe by Mr. Fielding.)

JOHN BRANHAM *ſworn.* — *Examined by Mr. Knowlys.* I am a waterman, I know the ſhip Buſhey Park; in October laſt, ſhe lay off Wapping New-Stairs, on the Middleſex ſide of the river: Between the 23d and 25th of October, I ſaw Bird and Chambers, Bird is a lumper, and Chambers a waterman; I ſaw Bird hand three bags of ſugar, ſeparately, over the ſtarboard bow of the Buſhey Park, to Chambers, who carried it to Mr. Annis's houſe, the Black Boy, Wapping New-Stairs.

Q. Did Bird go to Annis's houſe with Chambers?—*A.* No; Wolfe was waiting for him to receive the ſugars; he was in at Annis's houſe waiting to ſell the ſugar; they were never in the houſe five minutes before they were carried out by a porter.

Q. Then Wolfe received them, and not Annis?—*A.* No.

Croſs-examined by Mr. Alley. *Q.* Where were you ſtanding when you ſaw theſe men handing, as you call it, the ſugar over the bow?—*A.* I was not ſtanding any where, I was rowing in my boat.

Q. Which ſide of the ſhip were you on?—*A.* Neither ſide, I was coming acroſs her bow.

Q. When was it you firſt gave any information upon this buſineſs?—*A.* In the month of November.

Q. That is near two months after?—*A.* No, I gave the information to a gentleman, who acquainted Mr. Colquhoun of the buſineſs.

Q. When was Bird taken up?—*A.* I took him up when there was opportunity for it, I believe it was in November.

Q. Will you ſwear he was taken up before January?—*A.* It might be January, I cannot ſay.

Q. What time in November was it you gave this information?—*A.* I believe it was the 22d of November.

Q. That was the firſt information you gave?—*A.* Yes, about Bird.

Q. Do you recollect being at the Magiſtrate's office on the firſt of January?—*A.* Yes.

Q. Do you recollect ſeeing Bird there at that time?—*A.* No; I ſaw him at the public-houſe, the next door; we went up to get a warrant for him, and when we came down again, he was gone.

Q. Did he not call you an informer or a ſtag in that houſe?—*A.* No.

Q. Will you ſwear that you did not pull his hat off, and he called you an informer or a ſtag?—*A.* No.

Q. Did you ſee him afterwards?—*A.* We did not get a warrant becauſe we would not give any alarm; Mr. Colquhoun's office was full of gentlemen about other buſineſs.

Q. Did not you frequently, afterwards, ſee him?—*A.* No, I ſaw him on Sunday, two or three weeks after, at Mr. Carron's houſe.

Q. Did not he aſk you to drink with him?—*A.* Yes; and I ſaid, no, I would not drink with a thief.

Q. Did he not call you an informer?—*A.* No.

Q. Did you ever apply for a warrant from the time you ſaw him at Mr. Colquhoun's office till you took him into cuſtody?—*A.* No, I never did.

Q. Chambers and you belonged to the ſame boat ſociety?—*A.* I do not know what you mean by the boat ſociety.

Q. The ſociety for repairing boats?—*A.* I paid in my three halfpence or two-pence a week.

Q. You never gave any information till after the ſhip was loaded?—*A.* I do not know whether ſhe was gone before Bird was taken or not.

Q. Do you mean to ſwear that you never ſaw him but that once between the time that you ſaw him at Mr. Colquhoun's office and the time he was taken up?—*A.* Yes.

Q. Were you never a runner at a Public Office at any time?—*A.* Never in my life.

Q. Were you never a runner at Mr. Staples's office?—*A.* Never. When Mr. Staples wanted me to take him any where, I took him in my boat.

Q. Do you not receive pay at this moment from ſome people, in conſequence of informations that you have given?—*A.* I have ſubſiſtence money.

Q. Do

Q. Do you not receive ſixteen ſhillings a week?—*A.* No; ſometimes one thing, and ſometimes another; it does not concern you how I ſubſiſt.

Court. Q. Tell the Jury what is a lumper?—*A.* A man that goes on board a ſhip to work a cargo. The maſter lumpers are employed by the captain of the veſſel.

(A clerk proved the names of Meſſrs. Milligan and Mitchell.)

Bird's defence. I was not in the ſhip.

Chambers's defence. What he ſays is as falſe as God is true.

The priſoners each called ſix witneſſes, who gave them a very good character.

Mr. Knapp. (To Branham). Q. What is your line of buſineſs?—*A.* A waterman.

Q. And what elſe?—*A.* Nothing elſe.

Q. Are not you a conſtable belonging to the Juſtices' Office now?—*A.* No.

Q. Have you always been a waterman?—*A.* Yes, always.

Q. Were you ever a Cuſtom-Houſe officer?—*A.* Yes, a Cuſtom-Houſe waterman.

Q. How long have you been employed by the Cuſtom-Houſe?—*A.* Some months.

Q. How came you to be unemployed?—*A.* One of them was a rogue, I ſeized ſome ſugar from him, and I gave him bad language, and was diſcharged.

Q. Have you ever been on board a tender?—*A.* Yes, and found two men.

Q. And then you were releaſed from the tender?—*A.* Yes.

Q. What did you go on board the tender for?—*A.* Becauſe I was a deſerter from a King's ſhip; I came away in the year 1780, and in the year 1790 I was taken up by proclamation.

Bird, GUILTY (Aged 40.)
Chambers, GUILTY (Aged 33.)
Tranſported for ſeven years.
Annis, NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. Juſtice BULLER.

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321. JAMES FLOWERS and JOHN COULTHURST were indicted, the firſt for feloniouſly ſtealing, on the 20th of September, 500 pounds weight of raw ſugar, value 6l. the property of George Bailey and Robert Lang, in a certain ſhip called the Prince, then lying upon the navigable river Thames.

Second Count. Laying it to be the property of William Sime.

Third Count. Laying it to be the property of perſons unknown.

And John Coulthurſt for feloniouſly receiving the ſame goods, knowing them to have been ſtolen.

(The indictment was ſtated by Mr. Jackſon, and the caſe opened by Mr. Fielding.)

JAMES SPICER *ſworn.* — *Examined by Mr. Knowlys.* I am a waterman.

Q. Do you remember the ſhip called the Prince?—*A.* Yes; ſhe was lying in Gun-dock tier, near Wapping New-ſtairs.

Q. Is that on the Middleſex ſide of the river?—*A.* Yes.

Q. Do you know the priſoner Flowers?—*A.* Yes; I ſaw him and two more in a boat, between three and five in the morning, about the 20th of September; I ſaw them go to the bows and take ſome bags of ſugar, and deliver them out at Mr. Wade's back-door.

Q. What is Flowers?—*A.* A waterman.

Q. How far is Mr. Wade's back door from where the ſhip was lying?—*A.* It might be forty or fifty yards.

Q. What ſort of bags were they?—*A.* Black bags; I ſaw the two Marſhalls take the bags into Mr. Wade's premiſes.

Q. Do you know the priſoner Coulthurſt?—*A.* Yes; he lives almoſt oppoſite to it, juſt acroſs the way; I ſaw Flowers and the other two carry the ſugar over, and deliver it to Mr. Coulthurſt, I ſaw it put down upon the premiſes, I ſaw him come to the door once, I did not ſee him take in the ſugar, it was while the ſugar was being taken in.

Q. What quantity of ſugar do you think there might be, from the appearance of the bags?—*A.* About a ton and a half.

Q. Are Mr. Wade's premiſes open by night?—*A.* No; only they lived in thoſe premiſes, and let them through.

Q. How long did you ſtay there?—*A.* Flowers came to me at twelve at night; I had the watch of the boats that night that carry the people to and fro; Flowers deſired me to ſet in my boat, and if I ſaw any body coming, to holloa; and we had ſome grog to drink.

Q. Where was that from?—*A.* From Marſhall's premiſes; I cannot ſay who got out.

Q. Was all the ſugar taken into Coulthurſt's ſhop?—*A.* Yes; except Marſhall had a pan filled out of one of the bags about a quarter of an hundred.

Q. You have not ſeen the other two men ſince?—*A.* No.

Croſs-examined by Mr. Garrow. Q. You were a man in truſtu pon this occaſion—you were employed to prevent pillage?—*A.* I had the watch.

Q. Who were you employed by as a watchman?—*A.* I am not employed by any body; we had a club to carry people over the water, and take care of the boats at night.

Q. You were deſired by ſomebody, who wanted to

rob

rob the ſhips, to call out, and give him notice if any body came?—*A.* I did not know what they were going upon.

Q. Was it that day or the next day that you went to ſtate this to a Magiſtrate?—*A.* It was not for ſome time afterwards.

Q. Not for a week perhaps?—*A.* A month afterwards; I did not go at all till I was ſent for.

Q. Was it a month, are you ſure?—*A.* It might be two or three months after.

Q. I think you cannot help us to the day of the month?—*A.* Not exactly; it was of a Wedneſday morning.

Q. Can you tell in what month you were ſent for to the Juſtice's?—*A.* February.

Q. Theſe people were not taken up upon your information, but upon that of a perſon of the name of Branham?—*A.* Yes.

Q. After Branham had given ſome information, you were ſent for?—*A.* They ſummoned me.

Q. You were not acquainted with a quarrel between Branham and theſe people?—*A.* No.

Q. Upon your oath, have you not heard Branham himſelf ſay that he had had a quarrel with Flowers, and he would be revenged?—*A.* I did not.

Q. You have no reaſon to believe there has been any ſpleen between theſe people and Branham?—*A.* No.

Q. How long had Branham been diſcharged from the Cuſtom houſe?—*A.* I cannot ſay.

Q. How long after he had run away with one of the King's cutters?—*A.* I cannot ſay.

Q. You never gave any hint to any body about this, till you were ſummoned before a Juſtice of the Peace?—*A.* No, I did not.

Q. You are one of the boat-club?—*A.* Yes.

Q. And you ſtill ſtate that you have no knowledge of any quarrel between Branham and thoſe perſons?—*A.* I do not.

Q. There were ſeveral other perſons charged with offences of this ſort?—*A.* Yes.

Q. Do not you know that Flowers was attending, day by day, out of curioſity, to hear the examination of other perſons, and quarrelling with Branham?—*A.* He might for any thing I know, but I can't ſay.

Court. *Q.* Was there any body with you that night in your boat?—*A.* No.

Court. *Q.* Was Branham with you?—*A.* No.

Q. And you told nobody of this till you came before Juſtice Staples, three months after?—*A.* No.

Mr. Garrow. *Q.* The boat-club is a club of perſons who aſſociate for the purpoſe of contributing to repair damages that happen by accidents?—*A.* I do not belong to that club.

Q. Do not you know he quarrelled with Branham, becauſe he voted that he ſhould not be allowed the repairs of his boat?—*A.* No.

CHRISTOPHER MARSHALL *ſworn.—Examined by Mr. Jackſon.* I am a ſail-maker: On the 20th of September, I lodged at Mr. Wade's, the block-maker's, I was employed by the priſoner Flowers; between four and five in the morning he told me he had ſome buſineſs to do, which I took to be a ſmuggling buſineſs, he did not ſay it was; he came to me with three others unknown to me, and brought a quantity of black bags, the number uncertain, they appeared to be filled with ſomething; one of the bags Flowers opened and gave me a handful of ſugar out.

Q. Did you comply with his requeſt to receive them upon Mr. Wade's premiſes?—*A.* I did; there were myſelf, and Flowers, and three others unknown to me.

Q. What became of the ſugar afterwards?—*A.* It was carried through Mr. Wade's premiſes, but I do not know where they were taken to.

Court. *Q.* Did the parties come through your premiſes again?—*A.* No; I gave half the ſugar that I had to the foreman, Mr. Phillips; Spicer was there.

Q. Did you hear any perſon give directions where the ſugar ſhould be taken to?—*A.* No.

Croſs-examined by Mr. Knapp. *Q.* You were unfortunate enough to be taken up for this yourſelf?—*A.* Yes.

Q. How long after this buſineſs took place?—*A.* I was taken up in February.

Q. So that from September to February you gave no account of this buſineſs, and then not till you were taken up?—*A.* No.

ADAM MARSHALL *ſworn.—Examined by Mr. Fielding.* *Q.* Do you remember when your brother and Flowers were in Mr. Wade's houſe with Spicer?—*A.* I lived with my brother at Mr. Wade's as a lodger, I do not remember ſeeing Spicer there, I ſaw Flowers in the ſhop on the 23d of September; I know it was the 23d, becauſe my birth-day was the 27th.

Mr. Garrow. That muſt apply to another offence.

Court. *Q.* What day of the week was it?—*A.* Saturday.

Mr. Fielding. *Q.* Were you there on the Wedneſday?—*A.* No.

Q. Were you there no other time except the 23d?—*A.* No.

NICHOLAS PLAYER PHILLIPS *ſworn.—Examined by Mr. Fielding.* I was foreman to Mr. Wade.

Q. Do you know Flowers, and Spicer, and Marſhall?—*A.* Yes.

Q. Do you remember, any time in September, ſeeing

ſeeing them upon the premiſes of Mr. Wade?—*A.* I remember ſeeing Flowers, and Chriſtopher Marſhall, and three other men, in the ſhop; Adam Marſhall was not there; I cannot ſay the day of the month, or of the week, it was about ſix o'clock in the morning.

Q. What was Flowers doing with the other men?—*A.* I was intruſted with the key of the premiſes of Mr. Wade, and upon my putting the key to the door, it was opened for me; I then ſaid to Flowers, what pretty works are going on here; he told me to hold my tongue; I told him I ſhould not, as I thought it was very cruel for ſuch proceedings to be going on and Mr. Wade to know nothing of it.

Q. What was it that was going on?—*A.* I ſaw, on entering the premiſes, ſeveral bags, I ſaw in one of the bags ſugar; I ſaid, I thought Mr. Wade was liable to be exchequered for the things being upon his premiſes; he told me there was no fear, he could cover it in half an hour; I unſcrewed the firſt ſhutter of the window with an intention to take the ſhop-ſhutters down; he ſaid, not to take them down; I told him I ſhould, as I would not be hindered from my buſineſs by any perſon; on recollecting myſelf, I thought ſome perſon going by might recollect this ſugar on the premiſes, it might be ſeized, and the expences fall upon Mr. Wade, and I did not take the ſhutters down till they had taken them to Coulthurſt's, which is very nearly oppoſite; I ſaw ſome of the bags taken there, I cannot ſay that I ſaw them all taken to Coulthurſt's.

Court. Did you obſerve who received them at Coulthurſt's houſe?—*A.* No, I did not.

Q. What part of Coulthurſt's houſe was open?—*A.* They went in at the front-door from the ſtreet.

Q. Did you, during any part of the tranſaction, happen to ſee Coulthurſt himſelf?—*A.* I did not.

Court. *Q.* At the time you ſaw Coulthurſt's door open, was it at a time when the ſhop was open for the fair conduct of the buſineſs?—*A.* No; it was about five o'clock in the morning, it was not quite day-light.

Q. Do you remember there being any thing to drink?—*A.* Yes; during the interval, Flowers ſaid to Marſhall, make another pot of grog, which Marſhall did, and offered it to me; I ſaid, no, I ſhould not drink grog at five o'clock in the morning; Spicer was outſide of the door, and it was given to him; Flowers, and ſome one, returned afterwards for their hats.

Croſs-examined by Mr. Alley. *Q.* How long is it ſince this took place?—*A.* In September, ſix or ſeven months back.

Q. I take for granted, as you had ſeen this tranſaction yourſelf, you immediately gave information to a Magiſtrate?—*A.* I did not.

Q. How long was it before you went to the Magiſtrate?—*A.* Not till February.

Q. I believe you did not go voluntarily?—*A.* Yes I did; I underſtood there was a ſummons, but I did not receive it.

HENRY WILKIE *ſworn.*—*Examined by Mr. Fielding.* *Q.* Do you know Mr. Coulthurſt?—*A.* Yes; I am a watchman in his neighbourhood, he is a grocer.

Q. Do you remember, any time in September laſt, ſeeing any body go into Coulthurſt's ſhop, about four or five o'clock in the morning?—*A.* To the beſt of my knowledge, about the 16th of October.

Court. *Q.* Recollect, as well as you can, and aſcertain what the day was; can you recollect any thing that paſſed upon Wedneſday the 20th of September?—*A.* To the beſt of my recollection, what I ſaw was the 16th of October.

Mr. Fielding. *Q.* About a month before that, do you recollect any thing?—*A.* It was about two months before Chriſtmas.

Mr. Garrow. *Q.* It was not before Michaelmas, was it?—*A.* No.

Mr. Fielding. *Q.* Look at Flowers, do you know him?—*A.* Yes, perfectly well.

Court. You cannot ſplice two offences together to conſtitute one; but as to the circumſtance to ſee whether this man is not correct as to the day, you may examine him.

Q. Was Spicer there?—*A.* I did not ſee Spicer there; I cannot ſay what was in the bags, nor who the men were.

ROBERT KERR *ſworn.*—*Examined by Mr. Knowlys.* I am clerk to George Bailey and Robert Lang, Weſt-India merchants, they are the owners of the ſhip Prince, the captain's name is William Syme; ſhe was laden with ſugar, coffee, and cotton.

The priſoner Flowers called ſix, and Coulthurſt four witneſſes, who gave them an excellent character.

WILLIAM WICKHAM *ſworn.*—*Examined by Mr. Knapp.* I am a Cuſtom-houſe-officer; I know the Prince, I was on board of her.

Q. Do you know when ſhe was cleared out?—*A.* Yes, on the 19th of September; ſhe was cleared inward.

Croſs-examined by Mr. Fielding. *Q.* When were you on board?—*A.* The 19th of September.

Q. You did not go down to ſee if there was any ſugar left in the hold?—*A.* My people did.

Court. *Q.* Have you got your book here?—*A.* Yes, *(produces it, and reads)*; the Prince, William Syme, St. Vincent's, left nothing on board the ſhip, 19th of September.

Court. *Q.* When did you make theſe entries?—*A.* From day to day.

Q. They

Q. They were not all written at the ſame time?—*A.* They were wrote by me on the different days.

Q. What day of the week was the 19th of September?—*A.* That I cannot tell.

Mr. Knapp. Q. Is that book furniſhed to you by the Board of Cuſtoms?—*A.* Yes; as a memorandum-book.

Court. Q. Do you make theſe entries from your own knowledge, or from the report of thoſe under you?—*A.* From both, as near as we can.

Mr. Knapp. Q. When did you quit the ſhip?—*A.* On that day; we copy this memorandum-book into a large book, and after the memorandum-book is wore out in the pocket we get a freſh one.

Mr. Knapp. Q. If there had been any ſugar on board, ſhould not you have ſeized it on that day?—*A.* Certainly.

Mr. Fielding. Q. You know Flowers, I take it for granted?—*A.* No, I do not.

CHARLES NICHOLS *ſworn.—Examined by Mr. Alley.* I am one of the ſurveyors of the Cuſtoms.

Q. Do you recollect being put on board the ſhip Prince, to watch what went forward?—*A.* I cleared the Prince, ſhe was cleared out on the 19th of September; I left the ſhip the ſame day with Wickham.

Court. Q. Do you know what day of the week it was?—*A.* I cannot ſay.

Mr. Fielding. Q. When was it you were applied to to attend here?—*A.* This morning.

Q. And not before?—*A.* No.

Both NOT GUILTY.

Tried by the firſt Middleſex Jury, before Lord KENYON.

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322. JAMES FLOWERS and JOHN COULTHURST were again indicted, the firſt for feloniouſly ſtealing, on the 30th of October, ninety pounds weight of ſugar, value 30s. the property of Robert Milligan and David Mitchell.

Second Count. For ſtealing like goods, the property of Roderick Morriſon.

Third Count. For ſtealing like goods, the property of certain perſons unknown.

And John Coulthurſt for receiving the ſame goods knowing them to have been ſtolen.

(The indictment was ſtated by Mr. Jackſon, and the caſe by Mr. Fielding.)

JOHN BRANHAM *ſworn.—Examined by Mr. Knowlys.* I am a waterman.

Q. Do you know the Buſhey Park?—*A.* Yes; ſhe lay off Wapping New-ſtairs, in the county of Middleſex.

Q. What is Flowers?—*A.* A waterman: On or about the 30th of October, between three and four o'clock in the morning, I obſerved Flowers, George Lediard, and William Turtle, come from the Buſhey Park in Flowers's own boat, with ſeveral bags, they rowed under Mr. Wade's, the block-maker's wharf; I put my ſculls into my boat, and, as if I was going to work, I went into my boat, and rowed round the tiers, and ſtaid there ſometime, to the amount of half an hour; I ſaw Flowers, Lediard, and Turtle, go out of Flowers's boat, that they had the ſugar the firſt time in Turtle's boat; then they went to the Buſhey Park again along ſide the ſtarboard quarter, Flowers went out of the boat, Lediard and Turtle ſtaid in her; then Flowers came out of the Buſhey Park over the lighter into his boat, and there he received the bags of ſugar from the others as they handed them out; then they rowed round Mr. Wade's wharf as far as they could, they took a bench out Charley Faulkner's boat and put it on the mud for them to walk upon, and carried the bags up upon their backs to Mr. Wade's wharf again. Then I rowed my boat to Mr. Forreſter's, a boat-builder, and made her faſt to the ſtairs.

Q. How far is that from Mr. Wade's and Coulthurſt's?—*A.* I ſuppoſe about thirty or forty yards; Mr. Coulthurſt's is about ſeven or eight yards from Mr. Wade's, juſt acroſs the way. While I was ſtanding at Mr. Forreſter's, I ſaw nothing, I only heard doors open and ſhut; I then walked up towards the watchman's box and back again, and then I ſaw, to the beſt of my knowledge, young Marſhall open Mr. Wade's door; as ſoon as Mr. Wade's door was open, Mr. Coulthurſt came and opened his own door, I knew him perfectly well; I ſaw Lediard come out with a bag of ſugar, and Turtle followed with another; then I walked back as far as Wapping New-Stairs again; as I was coming, I met Wilkie, a watchman. In about ten minutes or a quarter of an hour I ſaw the ſame happen again, Lediard and Turtle, each of them, took a bag of ſugar into Coulthurſt's houſe: in about ten minutes I ſaw Flowers, with a brown jacket on, go into Coulthurſt's.

Q. Had he any bag?—*A.* No. Then I looked through the key-hole and ſaw them weighing ſugar. About ſeven o'clock in the morning, Turtle was waſhing one of his boats, and I was waſhing mine, I went up to Flowers's own boat, the boat he came firſt aſhore in, and in Flowers's boat I took up almoſt a handful of ſugar.

Q. What quantity of ſugar do you think there might be?—*A.* I ſuppoſe about three quarters of a hundred in each bag; I ſuppoſe about two tons altogether.

Croſs-examined by Mr. Garrow. Q. You heard all that was ſtated by the Counſel to the Jury?—*A.* Yes.

Q. You did not hear him deſire you to go out, I dare ſay?—*A.* I did not.

Q. You

Q. You ſay this was about the 30th ?—*A.* Yes.

Q. How long was that after you had had a quarrel with Flowers ?—*A.* I had not had a quarrel with Flowers for eight or nine years to my knowledge.

Q. It is a thing you cannot have forgot ; to the beſt of your recollection, you have had no quarrel with Flowers for eight or nine years ?—*A.* No.

Q. How long before the 30th of October had any misfortune happened to your boat ?—*A.* My boat was ſtove in December.

Q. Were you a member of the boat club ?—*A.* I was.

Q. Did you make any application to the club to make good your loſs upon your boat being ſtove ?—*A.* I did.

Q. Did Flowers and others object to that ?—*A.* I do not know but what he might.

Court. Q. Did he or did he not ?—*A.* Yes, he did.

Mr. Garrow. Q. Upon your oath, in conſequence of his objecting, did not the club refuſe to reimburſe your loſs, upon the ground that it was wilfully done ?—*A.* They did.

Q. What did you claim ?—*A.* Nothing.

Q. What did you expect ?—*A.* Nothing ; I expected the boat-builder was to be paid.

Q. Be cautious how you anſwer my next queſtion—upon your oath, upon that refuſal of the club, at the deſire of Flowers, the priſoner, did not you ſtate that you would be revenged of him for that act ?—*A.* No ſuch thing ; I know Flowers to be a very bad man.

Q. You never expreſſed any reſentment againſt him for adviſing the club not to make good your loſs ?—*A.* I never did to my knowledge.

Q. Will you ſwear it poſitively ?—*A.* I will.

Q. You never made uſe of any expreſſion of reſentment at him, on account of the club's refuſing you ?—*A.* I never did.

Q. How near is Coulthurſt's to the watchman ?—*A.* About that diſtance that you could ſhoot a marble into it.

Q. You told him, doubtleſs, what was going forward, and deſired him to watch theſe people ?—*A.* No, we had no converſation at all, only how do you do, and how do you do.

Q. You knew all theſe people perfectly well, not only by ſight, but by name ?—*A.* Very few of them but what I have taken goods for.

Q. How ſoon after this 30th of October, had you any occaſion to go to Mr. Staples's office ?—*A.* I do not know.

Q. In the courſe of a week ?—*A.* I cannot ſay, it might be the 2d of November, I dare ſay it was ſomewhere thereabouts.

Q. Do you mean to ſwear that you believe you gave any information at Mr. Staples's office on the 2d of November ?—*A.* I went as ſoon as I acquainted the Weſt-India merchants of it.

Q. Look at theſe gentlemen, and tell me, upon your oath, if you gave any information in any part of the month of November ?—*A.* I gave information at Mr. Staples's as ſoon as ever I ſpoke to my friends, and Mr. Coome came about it ; I did not retain ſuch matters as them.

Q. Upon your oath, did you give any information even in the month of December ?—*A.* I do not recollect.

Q. Will you ſwear that you gave any information even before Chriſtmas ?—*A.* Yes, I think I did.

Q. Are you ſure you did before Chriſtmas ?—*A.* Theſe are matters I cannot anſwer.

Q. Then I muſt ſtrike out before Chriſtmas ?—*A.* I do not know about ſtriking out.

Q. Upon your oath, do you believe you gave any information before New-year's day ?—*A.* Yes, I do, I made no memorandum of it.

Q. Will you ſwear you did ?—*A.* No, I will not.

Q. Will you ſwear you believe you did ?—*A.* To the beſt of my knowledge.

Q. Will you ſwear poſitively that you did before the 13th of January ?—*A.* I will, to the beſt of my knowledge.

Q. Take your time and conſider ?—*A.* I cannot conſider.

Q. Upon your oath, will you venture to ſwear, that during any part of the month of January, you gave information ?—*A.* I think I did, the 2d of January, and they were apprehended on the 22d of January.

Q. Do you mean to repreſent that you gave information three weeks before they were apprehended ?—*A.* They were not in the way to be apprehended.

Q. There were ſome other perſons examined before either Flowers or Coulthurſt were taken into cuſtody ?—*A.* There were.

Q. Did you attend thoſe examinations ?—*A.* Yes.

Q. Againſt other perſons ?—*A.* Yes, before Mr. Colquhoun, for thoſe that were at Kingſton, and before Mr. Staples for theſe.

Q. Upon your oath, do not you know the priſoner Flowers attended ſeveral of thoſe examinations before Mr. Colquhoun ?—*A.* He did.

Q. When were thoſe examinations before Mr. Colquhoun ?—*A.* I believe in the month of December, or thereabouts.

Q. Were they examinations upon your information ?—*A.* Me and others.

Q. How many days were thoſe examinations going on before Mr. Colquhoun ?—*A.* It might be two or three.

Q. Upon your oath, was not the priſoner there every

every day during theſe examinations?—*A.* I never ſaw him there but two days.

Q. So this man was there two ſeveral days, where theſe men were examining in December, and you never mentioned his name?—*A.* Yes, I did.

Q. Upon your oath, in what examination, before the 2d of January, the day you fixed yourſelf, did you name the name of Flowers?—*A.* For robbing the Buſhey Park.

Q. Was not he at the examinations, and did not you yourſelf ſee him there?—*A.* He was.

Q. Did you converſe with him?—*A.* I told him, at the door of the public-houſe, he had better go about his buſineſs, or I ſhould have ſomething againſt him before it was long; Coulthurſt was in cuſtody then.

Q. Did you ſay any thing to him the firſt time?—*A.* No, it was the ſecond time.

Q. Was this after the 30th of October, that you ſaid you ſhould have ſomething againſt him ſoon?—*A.* It might be ſo.

Q. Upon your oath, did you or not ſay ſo?—*A.* I told him to take care, and go about his buſineſs, or I ſhould have ſomething againſt him ſoon.

Q. How many of Mr. Staples's officers were there?—*A.* None.

Q. How near was it to the office?—*A.* Next door.

Q. Was this at Mr. Colquhoun's office?—*A.* Yes.

Q. What day of the week was it you firſt told him he had better keep out of the way?—*A.* I cannot tell any thing about that.

Q. Upon your oath, was he not there the day after you ſaid that to him?—*A.* No.

Q. Upon your oath, upon Flowers's deſiring to go into the room where the Magiſtrate was ſitting, did you not deſire the perſon that kept the door to prevent him?—*A.* That was not the laſt day, it was the time he came to ſee Coulthurſt go to jail.

Q. Any day that you pleaſe?—*A.* It was the firſt day.

Q. What did you do the firſt day?—*A.* The firſt day I ſaw him ſpeaking to Coulthurſt, and getting ſomething to eat, and bid him good-by when he went away to jail.

Q. Was that the day you prevented his going into the room?—*A.* I never prevented his going into the room, to the beſt of my knowledge.

Q. Will you ſwear you did not?—*A.* Yes. Armſtrong and I went up ſtairs to take him, and he was gone.

Q. Coulthurſt was diſcharged, I believe?—*A* He was.

Q. Will you ſwear that you did not?—*A.* I ſaid, Flowers, you had better be out of the way, for you will be the next.

Q. Was that the firſt day?—*A.* No.

Q. What did he ſay to you the firſt day?—*A.* This, that, and the other, and watermen's language, at the public-houſe door.

Q. Did you ſee him at the door of the office?—*A.* Yes; the firſt day.

Q. Did any thing paſs between you and him at the door of the office?—*A.* No; I never ſpoke to him at the door of the office, to the beſt of my knowledge.

Q. Will you ſwear that poſitively?—*A.* Yes, I will.

Q. Nor to the perſon who kept the door?—*A.* No.

Q. He uſed ſome watermen's language, that was not very civil?—*A.* Yes.

Q. How long before the next examination took place?—*A.* Three or four days afterwards.

Q. Was the door-keeper there at the time he uſed language that you did not like?—*A.* I cannot ſay.

Q. Had you forgot, at that time, that you had ſeen him ſtealing the ſugar?—*A.* No. I went and got an officer, and went up, but he and Bird were both gone.

Q. How long after this was it before you inſerted his name in any information before a Magiſtrate?—*A.* Some time.

Q. A month?—*A.* Leſs than a month.

Q. A fortnight?—*A.* I think it was more than a fortnight; I think three weeks.

Q. Then it was about three weeks after you had ſeen him at Mr. Colquhoun's before you inſerted his name in any information before a Magiſtrate?—*A.* His name was mentioned before I ever ſaw him there.

Q. Before the Magiſtrate?—*A.* No.

Q. Was it, or was it not, more than a fortnight, or about three weeks after you had ſeen Flowers at Mr. Colquhoun's, and converſed with him there, before you inſerted his name in any information before any Magiſtrate?—*A.* It was not. I told it to the Weſt-India merchants.

Q. When did you communicate Flowers's name, as the perſon that you had ſeen ſtealing ſugar, to the Weſt-India merchants?—*A.* About a fortnight or three weeks after it happened; on the 30th of October.

Q. Do you mean to ſwear that?—*A.* Yes.

Q. Give me the name of any of the Weſt-India merchants to whom you communicated Flowers's name, as the man you had ſeen ſtealing ſugar from the Buſhey Park, in a fortnight or three weeks after the 30th of October?—*A.* Mr. Batchelor, who ſits there.

Q. Before you ſaw him at the office, after the 30th of October, how often might you ſee him at large?—*A.* Very ſeldom. *Q.* Once

Q. Once a week?—*A.* Once a day, or ſo.

Court. Q. From the 30th of October, till the 2d of January?—*A.* Yes.

Mr. Garrow. Q. Both before and after you had communicated all you knew to the Weſt-India merchants?—*A.* Yes.

Q. Did the Weſt India merchants attend the examinations before the Magiſtrate?—*A.* Some of them did.

Q. You have ſeen him at the common plying-place daily?—*A.* I have ſeen him daily.

Q. At the plying-place?—*A.* Yes; but I never ſaw him at work.

Q. When did you make application to the club for the repairing of your boat?—*A.* The firſt Tueſday of the quarter before laſt.

Q. The firſt Tueſday in December?—*A.* No; the firſt Tueſday after Chriſtmas-day.

Q. You are a Cuſtom-houſe officer, are you not?—*A.* I am not now.

Q. How long have you ceaſed to be ſo?—*A.* Ever ſince the 25th of laſt Auguſt.

Q. You were tired of it, and reſigned, I ſuppoſe?—*A.* No; I was diſmiſſed.

Q. If it is not an impertinent queſtion, may I aſk what it was you were turned out for?—*A.* I was turned out for another officer and me having a few words together.

Q. Perhaps it might be this, for charging a man with a felony that he was not guilty of?—*A.* I do not know what I charged him with; I never charged him with any thing; I ſeized a bag of ſugar, and a bag of coffee, and becauſe I laid him before the Board, he laid me before the Board for bad language.

HENRY WILKIE *ſworn.—Examined by Mr. Fielding.* Q. Do you remember, in the latter end of October, ſeeing Branham on any day between Mr. Wade's and Coulthurſt's houſe?—*A.* Yes.

Q. What was he doing, and how far was he from Coulthurſt's?—*A.* Between three and four in the morning, I ſaw Mr. Coulthurſt's door open, before and after; I ſaw Branham, to the beſt of my knowledge, about twelve o'clock; I ſaw three men come out of Mr. Wade's with three bags loaded, and go into Mr. Coulthurſt's.

Q. At that time did you ſee Coulthurſt himſelf?—*A.* I did not.

Q. Did you obſerve any thing after twelve or one o'clock?—*A.* In the morning, to the beſt of my knowledge, between three and four, I ſaw Mr. Wade's door open, and men with bags come out, and go into Coulthurſt's.

Q. Did you ſee Coulthurſt himſelf at that time?—*A.* No.

Q. Did you ſee Coulthurſt the next morning?—*A.* I did.

Q. Had you any converſation with him the next morning?—*A.* Yes; about ten o'clock that ſame morning he gave me a dollar.

Q. What did he ſay when he gave you the dollar?—*A.* He told me to take no notice of what I ſaw.

Croſs-examined by Mr. Knapp. Q. How long was it before you gave any information of this?—*A.* The very ſame morning; I went to Mrs. Webb's and got the dollar changed, and told her all about it.

Q. But how ſoon did you go before any Juſtice of the Peace, to ſay any thing about?—*A.* I never went before any Juſtice.

Q. When were you firſt applied to to come here?—*A.* The firſt day of laſt ſeſſions.

Court. Q. You never gave any voluntary information till you were ſent for?—*A.* I did not.

——— BATCHELOR *ſworn.—Examined by Mr. Fielding.* Q. Can you fix any time when any information was firſt given by Branham?—*A.* The 22d of November, I think it was.

Q. You are agent for ſome of the Weſt-India merchants?—*A.* Yes.

——— SANDERMAN *ſworn.—Examined by Mr. Jackſon.* I am clerk to Meſſrs. Robert Milligan and David Mitchell, who are the owners of the Buſhey Park; the captain's name was Roderick Morriſon.

Q. What did her cargo conſiſt of?—*A.* Principally of ſugar.

Flowers's defence. I am entirely innocent of the charge, it is a malicious piece of buſineſs; Branham and I have been at variance ſeveral years, and have fought ſeveral times publicly, entirely owing to a quarrel at the club; I was ſteward of the club; a few days before we called a meeting of the club, and took his name out, becauſe he was ſuch a bad fellow, and it broke up the club. When I came out of the room, he held up his fiſt, and ſaid, d—n your eyes, I will be revenged of you. The premiſes that he ſays the ſugar came through, were locked up for a month before; he is a very bad man.

Court. Q. *(To Wilkie.)* How long have you been acquainted with Branham?—*A.* A great many years.

For the Priſoners.

JOHN STEVENSON *ſworn.—Examined by Mr. Garrow.* I am a waterman; I keep a houſe; I am a member of the waterman's club of Wapping New-ſtairs.

Q. Are you acquainted with Flowers and Branham?—*A.* Yes. Branham applied to the club upon the 26th of December, to be reimburſed for the loſs of his boat. Flowers was ſteward at that time. He brought an affidavit, ſignifying that his boat was taken away maliciouſly; he was ordered out of the room till the people conſulted the articles, and he was called in again; Flowers was to tell him

him that they had all agreed not to pay him a half-penny. Branham then ſaid, if I do not get it one way I'll have it another, revenge is ſweet, and revenge I will have.

Q. Are you poſitively certain he made uſe of that expreſſion?—*A.* Yes, upon my oath he did.

Croſs-examined by Mr. Fielding. Q. How many of you might form this club?—*A.* I cannot ſay particularly; I dare ſay fifteen or ſixteen.

Q. So you all determined to reject his application?—*A.* That was the voice of all the whole people.

Q. All watermen?—*A.* Yes.

Q. Moſtly plying at theſe Stairs?—*A.* Yes.

Q. Had you the curioſity ever to look at this boat that was ſtove?—*A.* No; I had no right.

Q. So the words this man made uſe of were, "if I do not get it one way, I will have it another?"—*A.* Thoſe are the words.

Q. "Revenge is ſweet?"—*A.* Yes.

Q. Was there any further quarrel between them?—*A.* They quarrelled for the beſt part of an hour.

Q. And they turned him out of the room?—*A.* No, he was not turned out; he was deſired to withdraw.

Q. Did you happen to know Branham when he was a Cuſtom-houſe officer, and rowed about the river?—*A.* I have known him many years.

Q. Did it ever happen that Branham ſeized a boat of a ſon of your's?—*A.* Yes; he was an apprentice of mine.

Q. Were you a witneſs at Kingſton?—*A.* Yes.

Q. And the boat was ſeized?—*A.* Yes; but I loſt nothing by it, the captain paid me.

ROBERT BURWOOD *ſworn.—Examined by Mr. Knapp.* I belonged to the boat-club: I know Branham, and I know Flowers; they belonged to the club; Branham made application about his boat being ſtove; he brought in a bill; ſhe was not ſtove at our row, ſhe was ſtove at Execution-dock, and the club refuſed his application, and a motion was made to break up the club.

Q. Who communicated the reſolution of the club to Branham?—*A.* All the members of the club, every body that was in the room.

Q. Did you hear any expreſſions that he made uſe of?—*A.* Yes; he ſaid, the leaſt ſaid is ſooneſt mended, and he would have revenge.

Q. Who was that addreſſed to?—*A.* I cannot ſay.

Croſs-examined by Mr. Fielding. Q. Upon his being told he ſhould not have his repairs, he was very angry?—*A.* Yes.

Q. And he ſaid, "the leaſt ſaid is ſooneſt mended, and he would have revenge?"—*A.* Yes.

Q. You do not recollect his ſaying, "if he had not it one way, he would in another?—*A.* No.

WILLIAM SELWOOD *ſworn.—Examined by Mr. Alley.* I was a Member of the boat-club, Flowers and Branham were both members; Flowers was ſteward, and Branham applied for the expences of the loſs of his boat, and the club refuſed it to him, upon which a quarrel enſued betwixt Branham and Flowers; I heard Branham ſay to Flowers, that revenge is ſweet, and he would be revenged.

CHRISTOPHER-WALTER MARSHALL *ſworn. —Examined by Mr. Garrow.* Q. You are a witneſs who attended the other day for the proſecution?—*A.* Yes.

Q. Were you in the ſervice of Mr. Wade, and from what time?—*A.* I lodged in the apartments of Mr. Wade a year and a half.

Q. Did you lodge there till Chriſtmas, 1797?—Q. I did.

Q. Were there any precautions taken to prevent any perſons paſſing through his premiſes in the day or night?—*A.* Yes; they began the beginning of October.

Q. Are you certain they were taken before the 29th or 30th of October?—*A.* Yes, the 9th; and without any interruption they continued up to Chriſtmas, there was a chain and a padlock put upon the inſide of the doors next the water.

Q. What time was it locked up in the evening?—*A.* When Mr. Wade's man left work, he locked the premiſes.

Q. At what time did they open in the morning?—*A.* About ſix o'clock.

Q. Was it poſſible then for any perſon to have gone through thoſe premiſes to Mr. Coulthurſt's at three or four in the morning?—*A.* No.

Croſs-examined by Mr. Knowlys. Q. I believe thoſe precautions were taken in conſequence of your letting people through?—*A.* I did.

Mr. Garrow. Q. Is Phillips ſtill in Mr. Wade's ſervice?—*A.* No, he is not.

Mr. Knowlys. Q. Do you not know that the gate was once broke open?—*A.* I do not.

JOHN LAUGHTON *ſworn.—Examined by Mr. Knapp.* I am an officer of the Exciſe: I was ſtationed on board the Buſhey Park till all the ſugars, rums, and coffees were out, from the time ſhe paſſed Graveſend till the 4th of November.

Q. Were there other officers on board with you?—*A.* Yes, two Exciſe, and three Cuſtoms.

Q. It was your duty to take care that the property was not taken away?—*A.* Undoubtedly.

Q. Did you know of any property being taken out of the Buſhey Park?—*A.* Not clandeſtinely.

Q. That you are ſure of?—*A.* Yes.

Court. Q. Were there any taken out openly by perſons that ſhould not have done ſo?—*A.* No.

Mr. Knapp. Q. On the 30th of October, was there any ſugar carried away in bags?—*A.* I cannot

not ſwear to a particular day, but I am ſure there was none taken away but ſome that was ſeized.

Q. Was the captain on board during this time?—*A.* Captain Lowry was, moſtly all the time the ſhip was delivering.

Croſs-examined by Mr. Fielding. Q. When you ſay, moſtly, what time do you ſpeak of?—*A.* From the morning till the lumpers went.

Q. Did captain Lowry never leave the ſhip while the lumpers were on board?—*A.* At times.

Q. Your employment, of courſe, lay ſometimes at one part of the ſhip and ſometimes at another?—*A.* It is our duty to be all over the ſhip at different times.

Q. Do you remember any inſtance of boats being ſeized going from the Buſhey Park?—*A.* I do not know it.

Q. Were there any bags ſeized on board the ſhip by you, or other officers?—*A.* None by me; ſome officers came on board rummaging the ſhip; for theſe men, the lumpers, are very apt to ſtow away little bags till they can get an opportunity of taking them out of the ſhip without our ſeeing them.

Q. Did you ever ſee Flowers on board the ſhip all the time?—*A.* Never; nor in a boat.

Court. Q. What are your hours of watching?—*A.* All day and all night, we relieve each other; we ſet the watch at ſeven at night, and continue till ſeven in the morning.

Q. Is Morgan, your brother officer, here?—*A.* He is on duty.

Q. He has been here this Seſſions?—*A.* Yes.

JOSEPH WRIGHT *ſworn.—Examined by Mr. Alley.* I am a Cuſtom-houſe-officer, I was on board the Buſhey Park; I went on board, I think, about the 6th or 7th of October.

Q. Was that before ſhe had broke bulk?—*A.* Yes; there were four more officers on board; and captain Lowry was on board the chief part of the time while I was there.

Q. Was there any ſugar carried from on board that ſhip during the time you were on board, that ought not to have been carried away?—*A.* Not to my knowledge.

Q. How many officers continued on board?—*A.* Sometimes three, ſometimes four, and ſometimes all five; I was always on board except Sunday.

Croſs-examined by Mr. Knowlys. Q. Then I am to underſtand, that the Buſhey Park was not at all plundered of any ſugar?—*A.* Not that I know of.

Q. You keep a book, do not you?—*A.* Yes.

Q. Upon your oath, was there not an entry made in your own book, of the ſeizure of bags of ſugar that had been ſtolen in the Buſhey Park?—*A.* I did not know it till they were brought up.

Q. Do you mean to ſay, that the ſhip was not plundered at all?—*A.* I think not; unleſs theſe lumpers might put ſome by in bags, or ſtockings.

Q. And theſe lumpers might alſo chuck them over into a boat without your obſerving them?—*A.* Certainly.

THOMAS WHEATLEY *ſworn.—Examined by Mr. Knapp.* I am a Cuſtom-houſe-officer: I was ſtationed on board the Buſhey Park from the time ſhe came into the river until ſhe was diſcharged.

Q. It was your duty, of courſe, to protect the property in her?—*A.* Yes.

Q. Do you know of any bags of ſugar being taken from that ſhip?—*A.* Not illegally; I remember two or three ſeizures being made.

Q. Do you know Flowers?—*A.* Yes, I do.

Q. Did you ever ſee him come on board the veſſel?—*A.* Not to my knowledge.

Q. Did you ever ſee him at the ſhip's ſide even?—*A.* No, not to my knowledge.

Croſs examined by Mr. Jackſon. Q. Did you never go on ſhore?—*A.* Yes; I have been up to the quays with ſome charges.

Q. Therefore, what might be thrown over-board, while you were not there, you cannot tell?—*A.* No.

ALEXANDER CROW *ſworn.—Examined by Mr. Alley.* Q. You were employed by captain Lowry, as a watchman on board the Buſhey Park?—*A.* Yes.

Q. When night came on, how were the hatches?—*A.* Laſhed down with capſtern-bars; it was impoſſible to get there without they went into the cabin.

Q. Do you know of any ſugar being taken from that ſhip improperly?—*A.* I do not.

Q. And you watched all night?—*A.* Yes.

Mr. Fielding. Q. You were ſtationed to keep your eye upon the hatches?—*A.* My duty was to watch fore and aft.

Court. Q. Did you ſee any bags of ſugar upon the deck?—*A.* No.

Q. How long did you watch?—*A.* Till the lumpers came on board at ſix o'clock, and then I went to bed till eleven or twelve o'clock.

Both NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. Baron HOTHAM.

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323. RICHARD SMITH was indicted for feloniouſly ſtealing, on the 21ſt of February, a pound of wool, value 2s. the property of the Eaſt-India-Company.

Second Count. Laying it to be the property of certain perſons unknown.

(The caſe was opened by Mr. Knapp.)

———— *ſworn.*—I received ſome wool from the Eſſex Indiaman, and brought it up to the quays, and

and delivered it to Mr. Lucas's foreman, John Barber.

JOHN BARBER *ſworn.—Examined by Mr. Knapp.* I detected the priſoner in taking wool out of the bales upon Sab's quay, which had been delivered to me by the laſt witneſs; I ſent for the Company's porters, and gave it up to them; I have got the wool. *(Produces it).*

JOHN COLE *ſworn.—Examined by Mr. Knapp.* That wool is the property of the Eaſt-India-Company, it has the Company's mark upon it, I received it at Sab's-quay.

Priſoner's defence. I never touched it; I was only ſitting down upon the bales.

GUILTY (Aged 25.)

Confined ſix months in Newgate, and fined 1s.

Tried by the London Jury, before Mr. Juſtice BULLER.

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324. MARGARET THOMPSON was indicted for that ſhe, on the 8th of April, in and upon Richard France, did make an aſſault on the the King's highway, putting him in fear, and taking from his perſon a leather pocket-book, value 2s. 6d. ſeven guineas, a half-guinea, a ſeven-ſhilling-piece, two Bank-notes, each of the value of 2l. and ſix Bank-notes, each of the value of 1l. the property of the ſaid Richard.

RICHARD FRANCE *ſworn.*—I am a clerk out of a ſituation: On Sunday night, the 8th inſtant, going down Cheapſide, at the corner of Friday-ſtreet, I met the priſoner, about ten o'clock; ſhe ſuddenly ſeized me by the right-arm, but did not ſpeak to me; ſhe then turned me ſharply round, and puſhed me back againſt a houſe, and then robbed me of a pocket-book containing two Bank-notes of 2l. each, ſix Bank-notes of 1l. each, ſeven guineas and a half, a ſeven-ſhilling-piece, and a lottery-ticket which was drawn a blank; I found the priſoner's hand in my pocket at the time; being ſo haſtily attacked on the King's high road, deprived me of my ſenſes for a minute or two, it made me rather incapable of purſuing after the priſoner immediately, by which means ſhe made her eſcape; I deſcribed the priſoner to the firſt watchman I went to, which was about five minutes after, in Bread-ſtreet, who immediately took me to the watch-houſe; about three quarters of an hour after I was robbed, the priſoner was again in Cheapſide, the watchman was looking out for her; I was oppoſite, in Cheapſide, ſhe was at the corner of Bread-ſtreet, I knew her again immediately; I gave charge of her to the inſpector of the watch.

Q. Was there any lamp near where you were robbed?—*A.* Yes, directly where I was robbed; the priſoner did not ſpeak to me till ſhe took hold of my arm; the money was in the ſame pocket-book with the notes.

Q. How long might this be going on?—*A.* Not above a minute or two; when ſhe was found again in Cheapſide ſhe was ſomewhat different in dreſs.

Q. Did you ſee her face diſtinctly?—*A.* Yes; ſhe was ſearched immediately, but no property found, none of it has been ſince found; when I challenged her with it, ſhe ſaid ſomething, but I do not recollect what.

Q. Do you mean to ſwear, knowing this to be a capital charge, that the priſoner is the woman?—*A.* I can do it with the greateſt ſafety.

Q. Have you any doubt about it?—*A.* Not the leaſt.

Q. What was the change of her dreſs?—*A.* She had a large fur tippet round her neck when ſhe was taken, I cannot ſay whether ſhe had a cloak on or not.

Croſs-examined by Mr. Alley. Q. You are a clerk out of place?—*A.* Yes.

Q. Where did you live laſt?—*A.* With Meſſrs. Shirley and Boddy, diſtillers, in Warwick-lane.

Q. How long have you been out of place?—*A.* Near ſix months.

Q. Have you been looking for a place lately?—*A.* Yes.

Q. Of courſe you were paid your wages when you came away?—*A.* Yes.

Q. May I take the liberty of aſking how much you received?—*A.* About ten pounds.

Q. Your loſs, upon this occaſion, is about ſeventeen pounds, ſeven ſhillings?—*A.* Yes; I believe it is more.

Q. You ſay you were quite frightened?—*A.* Yes.

Q. You ſeem as ſtout as that woman, I think?—*A.* I was not well, I had been ill for a long time, but I cannot tell you my complaint.

Q. When you were at Guildhall before Sir John Eamer, what was your charge?—*A.* Six one pound notes, and two two pound notes.

Q. You told the whole truth there, I take it for granted?—*A.* No, he did not require it.

Q. Upon your oath, did you ſay a word to him about ſeven guineas?—*A.* I cannot ſay that I did.

Q. Upon your oath, do not you know that you never ſaid one word about it?—*A.* I do not recollect that Sir John Eamer aſked me how much I had loſt.

Q. Were you not aſked what your loſs was, in order to obtain a ſearch-warrant?—*A.* He did not grant a warrant, becauſe it was out of the city that her apartments were.

Q. Did not you go before the Lord-Mayor, at the Manſion-houſe, afterwards?—*A.* Yes.

Q. She was committed from the Manſion-houſe?—*A.* Yes.

Q. Did you ſay one word about the ſeven guineas before the Lord Mayor?—*A.* No.

Q. You

Q. You did not recollect at that time that you had loſt it; was it out of your mind?—*A.* No, it was not.

Q. Did you ever mention a word about the two pound notes before my Lord-Mayor?—*A.* Yes.

Q. Now, upon your oath, did you ſpeak of more than one two pound note?—*A.* I do not exactly know what I ſaid before my Lord-Mayor.

Q. I ſee the commitment is for one two pound note, and ſix one pound notes?—*A.* Thoſe that I ſpoke of before my Lord-Mayor, were only thoſe that I could ſwear to, by the endorſement upon them.

Q. Do not you know, that before the Lord-Mayor, you were ſworn to tell the truth, and the whole truth; now, did you tell the whole truth?—*A.* I did not tell exactly, only what I could ſwear to.

Q. What time of night was it?—*A.* Near ten o'clock.

Q. There were a great many people about?—*A.* Yes.

Q. Was there any body in company with her?—*A.* No.

Q. Did you not ſtate before the Magiſtrate, that there was ſomebody in company with her?—*A.* No.

Q. You never ſaid ſo to any body?—*A.* No.

Q. Do you recollect any other perſon being charged with this offence?—*A.* No.

Q. Did you not ſay, that you thought another woman, and not the priſoner, had committed the offence?—*A.* No.

Q. Was not another perſon pointed out to you, and you ſaid, you believed ſhe was the perſon?—*A.* No.

Q. Did not you go up to another perſon, and ſay you believed ſhe was the perſon?—*A.* She was not pointed out to me.

Court. Q. Did you ſee any other woman that you thought was the woman that robbed you?—*A.* No.

Mr. Alley. Q. Were you not about to charge another woman with this offence?—*A.* I was not.

Q. Do you mean to ſwear that?—*A.* I will be upon my oath.

Q. And the woman that you took up was not dreſſed the ſame way as the woman that robbed you?—*A.* No.

Q. Do you generally carry your gold in your coat pocket—you were pretty flush, I ſuppoſe?—*A.* Yes; I have not always ſo much gold about me, and that was not my own, it was another perſon's.

Q. Upon your oath, do not you expect, that if you prove that you have loſt it, that other perſon will exonerate you?—*A.* No, upon my oath, I expect to pay it.

Q. Do you know any thing about a reward of forty pounds?—*A.* I do not.

Q. You never heard of it?—*A.* Yes; but I do not know whether it is true or not.

Q. Do you not expect it if you convict her?—*A.* If it is lawful and juſt, and right, I ſhould expect it.

Q. Did you call out to any body at the time of this robbery?—*A.* No.

Q. You were very much frightened becauſe a woman ſtopped you and took hold of your arm?—*A.* Yes.

Q. She did not hold a piſtol to your head?—*A.* No.

Q. If you were ſo frightened that you were going to faint, how can you undertake to ſwear that that is the woman?—*A.* I am ſure ſhe is the woman.

Court. Q. Was any of this property your own?—*A.* The pocket-book was mine.

Court. Q. When had you been receiving this money?—*A.* The greateſt part of it on Saturday, the day before, I had been collecting it for a friend, as I had nothing to do.

Q. What is that friend's name?—*A.* Daniel Kelley; he lodges in Sandy's-row, Artillery-lane, Biſhopſgate-ſtreet.

Mr. Alley. Q. What buſineſs is Kelly?—*A.* He was a cheeſemonger, in Trinity-lane.

Q. Why did you not take it to him on the Saturday night?—*A.* Becauſe he was in the country.

Q. Is he a married man?—*A.* Yes.

Q. Why did you not leave it with his wife?—*A.* Becauſe ſhe was in the country with him. He had been in the country three weeks or a month.

Q. Has Kelly been from buſineſs?—*A.* Yes, he has.

Court. Q. Had you no money of your own at this time?—*A.* Yes.

Q. Did you keep it ſeparate from the other?—*A.* No, I did not.

JOHN MEANE *ſworn.*—I am an officer of the ward and inſpector of the watch: About ten or a little after ten on the Eaſter Sunday at night, the proſecutor came to the watch-houſe, and ſaid, that he had been accoſted violently and againſt his will, that he had been taken by the arm by a woman, then named Appleby, that ſhe ſhoved him againſt the wall, and he could not extricate himſelf till he had loſt his pocket-book, and then ſhe got off. I then went to the watchman who ſtands at the end of Bread-ſtreet, and aſked him if he had ſeen her; in conſequence of what he ſaid, I went down Cheapſide, but could not ſee her; coming back again, I ſaw ſome women the corner of Milk-ſtreet, the firſt perſon I laid hold of was this Mrs. Appleby.

Q. Who do you mean by Mrs. Appleby?—*A.* The priſoner at the bar. I ſaid to her, Mrs. Appleby,

Appleby, how do you do, there is a gentleman acroſs the way would be glad to ſpeak to you; ſhe was rather backward of going, and the watchman and proſecutor being together, I beckoned them over; accordingly they came acroſs, and I ſaid, is this the woman, and he ſaid, that was abſolutely the woman that robbed him; accordingly we took her to the watch-houſe, in order to ſearch her, but we found nothing upon her but a ſhilling and a few halfpence.

Croſs-examined by Mr. Alley. Q. She was found in Cheapſide, the place where the robbery was committed?—*A.* Yes.

Q. What time was this?—*A.* Sometime after ten o'clock; by the time ſhe was ſearched it might be eleven.

Q. Did not he ſay that there was a difference in her dreſs?—*A.* Yes; and ſo ſaid the watchman, that when ſhe went paſt him before, ſhe had not that tippet on. He was perfectly ſober.

WILLIAM SILLERSON *ſworn.*—I am a watchman: I ſaw the priſoner a little before ten on Eaſter Sunday evening; our inſpector came up to me with the proſecutor, and the inſpector ſaid to the proſecutor, do you know any thing of this woman, and he ſaid, yes, that is the woman, I will ſwear to her; I aſked him, if ſhe had that tippet on at the time, and he ſaid, no; I ſaid, you are right, ſir, for ſhe had not it on when ſhe paſſed me a little before ten. We took her to the watch-houſe, and ſearched her, but did not find any thing.

WILLIAM CULVERWELL *ſworn.*—I am a conſtable: On Eaſter Sunday night, about half paſt ten, as near as I can recollect, the proſecutor came into the watch-houſe, and ſaid he had been robbed of his pocket-book, containing ſeven or eight Bank-notes, and in about a quarter of an hour afterwards, ſhe was brought to the watch-houſe, and ſearched, but nothing was found relative to the robbery; and after that I took her to the Compter.

Priſoner's defence. I never ſaw the man till I was taken up.

The priſoner called three witneſſes, who gave her a good character.

GUILTY **Death.** (Aged 33.)

Tried by the London Jury, before
Mr. RECORDER.

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325. JOHN COOPER was indicted for feloniouſly ſtealing, on the 20th of March, a ſilk handkerchief, value 1s. the property of David Hill.

DAVID HILL *ſworn.*—I am a tea-dealer: I was coming out of the Chamberlain's Office, Guildhall, I do not recollect the day, when I put my hand in my pocket and miſſed my handkerchief; I ſaw the priſoner near me, I followed him round Guildhall yard, I ſtopped him, and charged him with it; he denied it at firſt, but afterwards produced my handkerchief; there was no mark upon it, but from the general appearance of it, I believe it to be my handkerchief.

JOHN TURNER *ſworn.*—I am a conſtable, *(produces the handkerchief);* I received it from the proſecutor, or rather between him and the priſoner; I have had it ever ſince. I ſearched him at the office, and found two others.

Hill. This is my handkerchief.

Priſoner's defence. I did not pick his pocket.

The priſoner called two witneſſes, who gave him a good character.

GUILTY. (Aged 15.)

Tranſported for ſeven years.

Tried by the London Jury, before
Mr. RECORDER.

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326. JOHN ANNIS was indicted for harbouring and maintaining, on the 22d of November, one Benjamin Wolfe, knowing him to have ſtolen a quantity of ſugar, which the ſaid Benjamin had been convicted of ſtealing.

(The indictment was ſtated by Mr. Jackſon, and the caſe by Mr. Knowlys.)

(Mr. Chetham produced an office copy of the record of the conviction of Wolfe, which was read.)

JOHN WINTER *ſworn.—Examined by Mr. Jackſon.* I am a porter by the water ſide.

Q. Do you know Benjamin Wolfe?—*A.* Yes, he is a Jew; I was employed by Mr. Wolfe, ſome time in November, to bring ſome bags from the ſhip Adamant.

Q. Before that time had you ſeen any thing from the ſhip Adamant?—*A.* No. He told me to attend at Wapping New-Stairs to bring the bags up; I ſaw the bags put into the boats that came from the Adamant. Alexander Faulkner and Wolfe both went on board the ſhip together, they were on board near half an hour; and then I ſaw theſe bags handed out to Alexander Faulkner, he was in the boat, Wolfe waited on board; and as ſoon as theſe bags were in the boat, he jumped into the boat, and they came on ſhore together; then Wolfe went right up the ſtairs, and went to the Black Boy, kept by Mr. Annis. I was employed to carry the bags up to Mr. Wolfe; Alexander Faulkner aſſiſted me to put them into another ſack, a flour ſack.

Court. Q. Did you ſee Wolfe at Annis's houſe?—*A.* Yes, he was there before I got there.

Court. Q. What was he doing?—*A.* He and his ſon ſtood by to receive the goods in a little room by the ſide of the bar; I left the bags there with them.

Q. Do you know what became of the bags afterwards?—*A.* No.

Q. Do

Q. Do you know what became of the ſugar in thoſe bags?—*A.* It was put into quarter-hundred bags, and taken away.

Q. Who ſaw that beſides you?—*A.* Wolfe and his ſon, and the porter.

Q. Where was Annis at that time?—*A.* On the 22d I came in, and aſked Annis where Wolfe was, and he ſaid up one pair of ſtairs, and I went up ſtairs; I had a bag with me then.

Q. Was Wolfe concealed in the houſe?—*A.* Not that I know of; he was up one pair of ſtairs, where the ſailors carry their hammocks and cheſts.

Q. Who elſe was preſent when the ſugar was put in the quarter-hundred bags beſides you and Wolfe?—*A.* Only the porter.

NOT GUILTY.

Tried by the firſt Middleſex Jury, before Lord KENYON.

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327. ROBERT MITCHELL was indicted for feloniouſly ſtealing, on the 19th of March, a feather and flock bed, value 8s. two woollen blankets, value 3s. and a hempen ſack, value 4d. the property of William Phelps.

WILLIAM PHELPS *ſworn.*—I am a lighterman: I loſt the property in the indictment, out of a ſailing barge; my ſons and I were at home at the time; the priſoner was a ſervant to my ſon.

THOMAS PHELPS *ſworn.*—I am ſon of the laſt witneſs: The priſoner was at work under me, and I work under my father; I was not on board when the property was taken; I left them in the barge, and put her under the wharf, and left the priſoner to moor her on the 18th of March, about half paſt three in the afternoon; the property was then in the barge. On Monday I went on board, and found the cabin door broke open, and the property gone; I found the property again, about two o'clock on Monday, at a woman's houſe that it was ſold to.

ANN HEMMINGS *ſworn.*—I keep a chothes ſhop, in Little Peter-ſtreet, Weſtminſter: On the 18th of March, as nigh as I can remember, between ſix and ſeven at night, the priſoner at the bar came to my houſe, and ſaid he had to aſk a favour of me; I aſked him what it was, he ſaid, he had got a feather and flock bed and two blankets, if I would be ſo good as lend him ſix ſhillings upon them, he would be very much obliged to me; he preſſed me very much to let him have it till he got his wages, and I lent him ſix ſhillings upon it, and the next day the conſtable came and took it away.

WILLIAM MESSENGER *ſworn.*—The young man told me he had had his barge robbed; and on the Monday he gave me charge of the priſoner; the priſoner told me, he and two more had broke open the cabin door, and if I would ſettle it for a guinea and a half, he thought it would be better than taking him before a Juſtice.

Q. Had you made him any promiſe at all, or any threat?—*A.* Not the leaſt in the world. He told me the things he had ſtole he had taken to an old iron ſhop on the Sunday evening, and the perſon where he had taken them had bought the things; he pointed out the door, and I left him with another officer, and went in, with young Phelps, and told the woman I was coming to ſearch for a bed that was ſtolen that ſhe had got, and ſhe immediately ran up ſtairs, I followed her, and ſhe was bringing it out from under the bed; I took her before the Magiſtrate; I found the blankets, but not the ſack. *(Produces them.)*

WILLIAM PHELPS, jun. *ſworn.*—About twelve o'clock on Monday I went on board, and I ſaw that the cabin door was broke open; I can ſpeak to the property; I know it to be my father's; I found the ſack hanging over the ſettle at a public-houſe, where I heard they had been.

Q. Has it ever been ſeen in the hands of the priſoner?—*A.* No.

Priſoner's defence. I moored the barge ſafe, and never ſaw her again; two young fellows that I know aſked me to leave this bed for ſix ſhillings, at this woman's till Monday morning; I did not know it was my maſter's bed, or that the cabin was broke open.

GUILTY (Aged 22.)

Confined ſix months in the Houſe of Correction, and fined 1s.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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328. THOMAS RODNEY was indicted for feloniouſly ſtealing, on the 3d of April, a ſaw, value 6s. the property of John Goodall.

JOHN GOODALL *ſworn.*—I am a maſter carpenter: I loſt a ſaw from my ſhop, No. 29, Greek-ſtreet; on Tueſday the 3d of April, I was out; when I returned, my wife ſaid a man had been there to aſk for a job; I went to my bench, and miſſed a dove-tail ſaw; I found it at the pawnbroker's in about a quarter of an hour after I had miſſed it; I went to the pawnbroker's to enquire if he had taken in a ſaw, and he ſaid, yes; he ſhewed me the ſaw, and I knew it to be mine. *(The pawnbroker produced the ſaw, which he depoſed he took in of the priſoner.)*

Goodall. This is my ſaw, it was ſtolen from me once before, and I took it from a man in Harp-alley; I am ſure it is my ſaw.

Priſoner's defence. I met with an acquaintance that treated me with ſome porter, and then he aſked me to pawn the ſaw for him, which I did; his name was John Thomas.

The

The priſoner called two witneſſes, who gave him a good character.

GUILTY (Aged 30.)

Confined ſix months in the Houſe of Correction, and fined 1s.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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329. JOHN DISNEY was indicted, and the indictment charged that, at the Seſſion of the Gaol Delivery, holden for the county of Middleſex, on the 10th of January, in the 38th year of his Majeſty's reign, Henry Foreman was tried and convicted of felony, and afterwards ſentenced to be tranſported; and the indictment further charged that he, John Diſney, well knowing the ſaid Henry to have committed the felony, did afterwards, on the 3d of December, receive, houſe, harbour, relieve, aſſiſt, and maintain, the ſaid Henry.

(Mr. Shelton produced the record of the conviction of Henry Foreman, which was read.)

JOSEPH LORD *ſworn.*—The morning after I was robbed, the priſoner came to my lodgings; I had never ſeen him before; I lodged then in Berners-ſtreet, Oxford-road; he ſaid that the parties had applied to him to ſettle the buſineſs; there was a little of the money deficient, and it ſhould come forward in the courſe of the day; he begged I would not take out a warrant; he came the next day again, and the day after, and the fourth day I went to Mr. Diſney's office, he told me the buſineſs ſhould be ſettled that day, and he would bring me Wilſon; I got out a warrant for the whole three from Mr. Conant; and on Sunday the 3d of December, at four o'clock, I ſaw Foreman in Diſney's houſe, and Kennedy the conſtable ſaw him alſo; Diſney ſaid he was not there, he ſaid, cannot you ſee as well as me; the room was dark; and the next day I got information of Mr. Foreman, and Diſney was with him, and then I was ſure that one of the perſons that I had ſeen the night before was Foreman; we took him then, and left Diſney behind.

Q. Did you know Foreman before?—*A.* No. I never ſaw him in my life till the day that I was robbed.

Croſs-examined by the Priſoner. Q. Do you know a man of the name of Ford?—*A.* I know Little Ford very well.

Q. Did he not write a paper out one Sunday morning of what you would ſwear againſt me?—*A.* No.

Q. Did not you make a great many applications to compound this buſineſs?—*A.* I did not know what compounding was, till I went to Mr. Conant, and he told me I had done wrong.

Q. You ſay you ſaw Henry Foreman at my houſe on the Sunday?—*A.* Yes.

Q. Who was with you?—*A.* Mr. Kennedy and another conſtable; they then denied him to me.

Q. What was the reaſon you did not take him into cuſtody at that time?—*A.* Becauſe there was not ſufficient light to diſtinguiſh him; but the next night when I ſaw him, I was ſure that he was the man that was in your parlour the night before, and you ſaid you could find any of the parties at any hour.

RICHARD TYRRELL *ſworn.*—Foreman lodged with me, and I was to go to Mr. Diſney for a character, and he gave him a good character.

Q. Did you ever ſee Foreman after the robbery was committed, and before he was taken up?—*A.* No.

JOHN CHANDLER *ſworn.*—Q. Do you know any thing about the harbouring of Foreman by the priſoner?—*A.* No, I do not; I never ſaw Foreman till I ſaw him at Marlborough-ſtreet.

JAMES KENNEDY *ſworn.*—I went on the Sunday night, with Mr. Lord, to the priſoner's houſe; I ſaw the priſoner there, and two young men, ſitting by the fire; I verily believe one of them was Foreman; I would not undertake to ſwear it; it was rather dark; and the next day I went to apprehend Mr. Diſney; he kept an Agency-office, next door to the Bow-ſtreet office; he left his houſe, and I could not find him for ſome weeks after that; I ſaw Foreman afterwards, but I cannot poſitively ſay whether he was one of thoſe two men.

Priſoner. Q. *(To Chandler.)* Do you not know, of your own knowledge, that Mr. Lord committed wilful and corrupt perjury upon the trial of Foreman?—*A.* No, I do not.

Q. Did not Mr. Lord ſay that he ſhould get 40l. out of his 53l. if Foreman was convicted; and he would ſwear hard to convict him?—*A.* I have heard him ſay, if he was convicted, he ſhould get 40l. out of his 53l.

Q. Did not Mr. Lord ſay that he would not have taken me up, if he had not known that I had had ſome property, and that he expected to get his money back and 40l. more, and he would not appear againſt me?—*A.* No; I have heard him ſay, that if you were taken up, he thought he ſhould get his money, for that you had money.

Q. Have you not heard him ſay, he would ſwear hard againſt me, for if he did not convict me, he expected I ſhould proſecute him for perjury?—*A.* I have heard ſomething of that ſort; but I do not exactly recollect the words.

Q. Do you remember that Mr. Lord came to me, and wiſhed me to apply to Mr. Read, a ſadler, upon the buſineſs?—*A.* I do.

Q. Has not he ſaid that he would not have taken me up, but he expected, upon my being taken up, that I ſhould have paid the money?—*A.* He ſaid he

he thought you would pay the money, rather than ſuffer yourſelf to be proſecuted.

Q. Did not Mr. Lord write a ſheet of paper of a falſe paper writing, and read it to you, to ſtrengthen his evidence?—*A.* I remember the writing very well; he ſaid that was what he ſhould ſwear in Court.

Q. Upon your oath, have you not heard Lord ſay that Wilſon was the man that robbed him?—*A.* Yes; we went to Mr. Bond to take out a warrant for Wilſon, but there were three of them together at the time he was robbed, and Mr. Lord did not know any of them except Wilſon.

Court. Q. How long have you been acquainted with Mr. Diſney?—*A.* I had not known him before he came to Mr. Lord, about that buſineſs.

Q. Have you been upon any footing of intimacy with him ſince that?—No, not particularly.

Q. Have you ever talked the caſe over with him?—*A.* No.

Q. Did you ever ſuggeſt to him, at all, what you could ſay upon the ſubject?—*A.* No.

Q. Then the priſoner had no knowledge of the manner in which you would anſwer theſe multitude of queſtions that he has put to you?—*A.* It is impoſſible.

Lord. Mr. Chandler has been arreſted, and there has been a communication between him and Diſney.

Priſoner's defence. This proſecution is commenced againſt me for the purpoſe of extorting money from me, that I would not by any means comply with; I knew I was not guilty of the charge alledged againſt me, I am conſcious Foreman was never at my houſe after the robbery, they had frequently applied to me to ſettle it; when they enquired of me for Foreman, I ſaid, I would do all I could to find him out; it muſt ſtrike every body, when they recollect the public ſituation in which I lived, next door to the Public-office, Bow-ſtreet; the father of Henry Foreman formerly kept the Brown-bear, and being known to all the officers, is it reaſonable to ſuppoſe he would come into ſuch a ſituation as that; in fact, he never did come into my houſe after that.

For the Priſoner.

GEORGE FOREMAN *ſworn.*—I keep the Gold-chain in the Tower; Mr. Lord came to me to compound felony, with reſpect to Henry Foreman, my nephew, I was examined here when he was tried; they wanted me to give them fifteen pounds, they then left me, and ſaid, they ſhould proceed to proſecute him; and, on the Sunday after, Mr. Lord came again, with Kennedy; he firſt aſked me twenty-five pounds—

Q. How long have you known Diſney?—*A.* I knew nothing of him till that time.

Q. Did you know Chandler before?—*A.* No.

Mrs. —— MORRIS *ſworn.*—Mr. Lord called upon Mrs. Wilſon, in Maiden-lane, the day of the robbery, and ſaid, that he had loſt his property; he called ſeveral times that day, and he has repeatedly called upon me ſince, at my houſe in Wardour-ſtreet, he got me to write into the country to his friends to get them to ſettle it; he told me, if Wilſon would come forward with the pocket-book, he would go no farther in it, but think it was a drunken frolic. GUILTY (Aged 40.)

Confined one year in Newgate, and fined 20l.

Tried by the firſt Middleſex Jury, before Mr. Baron HOTHAM.

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330. RICHARD UNDERHILL, ELIZABETH CASLIN, JOHN DOE, and ANN JONES were indicted, the firſt three for feloniouſly ſtealing, on the 8th of March, a check-ſhirt, value 1s. two muſlin handkerchiefs, value 2s. a check-pincloth, value 2d. a dimity petticoat, value 8d. three muſlin caps, value 4d. and two linen ſhirts, value 4d. the property of Timothy Kelly; and Ann Jones for receiving part of the ſame goods knowing them to have been ſtolen.

TIMOTHY KELLY *ſworn.*—I keep a houſe, No. 6, Callmell-buildings, Mary-le-bonne: On Thurſday the 8th of March, I loſt the things mentioned in the indictment, and I found a coloured ſhirt of mine upon the back of the priſoner Underhill the next day; my wife had hung the linen out in the back yard.

Q. Where did Underhill live?—*A.* At No. 10, Callmell-buildings, his back-yard and my back yard join together.

MARY KELLY *ſworn.*—I am the wife of Timothy Kelly: I waſhed the articles mentioned in the indictment, and hung them in the back yard, on Thurſday the 8th of March, between nine and ten o'clock in the morning, and I miſſed them between ſeven and eight in the evening; I found two baby-ſhirts the next morning in a room occupied by Underhill, Doe, and Caſlin, they all three live together in a back garret, and three night-caps, all broke up; I found alſo a muſlin handkerchief, within Mrs. Jones's ſhop, hanging up wet, and a pin afore of my child's. *(The property was produced, and depoſed to by Mrs. Kelly).*

Croſs-examined by Mr. Knapp. Q. Mrs. Jones was admitted to bail by the Juſtice?—*A.* I do not know; the Juſtice told me I was done with, and I did not ſtop in the office.

Q. Do not you know that ſhe ſurrendered this morning to take her trial?—*A.* Yes.

Q. You went to Mrs. Jones's, in conſequence of information you received from the other priſoners?—*A.* Yes.

Q. The things were in the ſhop?—*A.* Yes.

Q. So

Q. So that any body that went in might ſee them hanging upon the line?—*A.* They might if they looked; I aſked her, had ſhe any baby's things ſelling; no, ſays ſhe.

Q. Did not ſhe tell you from whom ſhe had them?—*A.* She did not tell me firſt.

Q. Do you mean to ſay, that you ſaw the handkerchief in the ſhop, or whether ſhe did not bring them herſelf to the Juſtice's?—*A.* She brought one of them down.

Q. And that is one of theſe?—*A.* Yes.

Q. They are half handkerchiefs?—*A.* Yes.

Court. Q. Theſe are worn by your huſband?—*A.* Yes.

Court. Q. Do you call them handkerchiefs?—*A.* No, half-handkerchiefs.

Mr. Knapp. Q. How do you know the pin-afore?—*A.* By my own work.

Q. Are you a houſekeeper?—*A.* Yes.

Q. Have you any lodgers in your houſe?—*A.* Yes.

Q. Men, or women?—*A.* All ſorts; and gentlemen too.

Q. And ladies?—*A.* Yes, and children, and all ſorts.

Q. When you found theſe things, Ann Jones was not taken into cuſtody, but came down to the office herſelf?—*A.* Yes.

MARY M'CARTY *ſworn.*—I live at No. 10, Callinell-buildings: I was with Mrs. Kelly when ſhe found the two child's ſhirts in the back garret; ſhe alſo found three caps broke up; I went with her then to Ann Jones's, and found the two handkerchiefs hanging, wet, acroſs the line, and a dimity apron, and a check pin-afore; ſhe aſked Mrs. Jones if ſhe had any child's things to ſell; ſhe ſaid, there was a petticoat.

Q. Did ſhe ſay any thing elſe?—*A.* No; when Mr. Kelly came home, he went to the Juſtice's directly.

Q. Did Mrs. Kelly bring the things away with her from Mrs. Jones's?—*A.* Yes, ſhe did.

Croſs-examined by Mr. Knapp. Q. Where was the petticoat that ſhe ſaid ſhe had got?—*A.* In the ſhop.

Q. Any body might have ſeen it?—*A.* Yes.

Q. She was admitted to bail, was not ſhe?—*A.* No; ſhe was fully committed to jail at firſt.

Q. But when the matter was fully heard, the Juſtice admitted her to bail?—*A.* Yes.

Q. And, you know, that ſhe ſurrendered herſelf here this morning?—*A.* Yes.

Underhill's defence. This young man, and young woman, do not know any thing at all of it; I found the things in an open court, and took them into the room where this young man and woman lived.

Doe's defence. I ſold the handkerchief to Mrs. Jones, and told her it was not my own, it did not belong to me.

Caſlin's defence. Underhill brought theſe things to my room, and aſked me to let him leave them in my room, and if I would ſell the petticoat for him, which I did, for one ſhilling, and gave him the money.

Jones's defence. I bought theſe things, and, to my judgment, I gave the full value for them; I gave one ſhilling for the petticoat and pin-afore.

Q. *(To Mrs. Kelly.)* What did Caſlin ſay when you went into her room?—*A.* She ſaid, the little boy, Underhill, brought them in to her for pieces for a ſhift.

Mr. Knapp. Q. What do you think the pin-afore is worth?—*A.* Five pence.

Q. What is the value of the petticoat?—*A.* Eight pence.

The priſoner Jones called nine witneſſes, who had known her from ſix months to twenty-three years, and gave her an excellent character.

Underhill, GUILTY (Aged 12.)
Confined ſix months in the Houſe of Correction, and publicly whipped.

Caſlin, NOT GUILTY.
Doe, NOT GUILTY.
Jones, NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. RECORDER.

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331. JANE PATTERSON was indicted for feloniouſly ſtealing, on the 18th of April, a linen frock, value 4d. a flannel petticoat, value 3d. a ſtuff petticoat, value 3d. a linen ſhift, value 2d. and a cotton pin-cloth, value 1d. the property of James Hadley.

JAMES HADLEY *ſworn.*—I keep the tap of a public-houſe in Drury-lane: I miſſed my child from the door, about eight o'clock in the evening of laſt Wedneſday; I enquired all over the neighbourhood and could get no intelligence.

Q. What age was the child?—*A.* Turned of five years; my ſiſter got intelligence of it, ſhe is here.

SAMUEL BROWN *ſworn.*—I am ſervant to a pawnbroker, in Broad-ſtreet, Bloomſbury: The priſoner at the bar came in to pledge a picture, leading the child in her hand; I told her it would not do for any thing; I ſaw her, about five minutes after, going into one of the boxes of the private door, I did not ſee the child then, and as I was going up ſtairs again, I ſaw the child ſtanding quite naked at the back-door; I took the child to St. Giles's workhouſe.

Q. Can you ſay it was the ſame child that was brought in by the priſoner to your ſhop?—*A.* I cannot; the aunt of the child came the next morning

ing to enquire after it, after I had come back from carrying the child to the workhouſe; in about ten minutes, the priſoner at the bar brought in the child's cloaths to pledge, and we ſtopped her, and took her to St. Giles's workhouſe, where the child was. *(Produces the property).*

JANE PARROT *ſworn.*—I am ſiſter to the proſecutor: I ſearched after the child, and found her at the workhouſe, about half paſt ten o'clock the ſame night, I brought the child home the next day; theſe articles that the pawnbroker has produced, are the cloaths that the child had on; the ſtockings are knit, which is a very uncommon thing for ſuch a child; the other things are not marked, but are exactly the ſame as what the child had on when ſhe was loſt.

Priſoner's defence. I was in liquor, I do not remember to have ſeen the child at all.

GUILTY (Aged 19.)

The Court immediately pronounced ſentence of tranſportation for ſeven years.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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332. RICHARD PORTSMOUTH was indicted for feloniouſly ſtealing, on the 27th of March, eight live tame hens, value 12s. three live tame rabbits, value 3s. and a baſket made of willow, value 1s. 6d. the property of William Walkling.

WILLIAM WALKLING *ſworn.*—I am a waggoner: On the 27th of March, coming through Kenſington, I loſt a baſket of fowls and rabbits, it was tied underneath the waggon, it contained eight tame fowls and three tame rabbits; it was cut from the waggon; the man is here that ſaw the priſoner cut it; the fowls and rabbits were ſold; they were taken to Bow-ſtreet. The baſket is here. *(Produces the cord and the baſket.)*

THOMAS WILLIAMS *ſworn.*—I am watchman and conſtable of the night for Kenſington: Between two and three in the morning of Tueſday, the 27th of March, I ſaw the priſoner cut the rope, and the baſket dropped, he then took it on his ſhoulder and carried it ten or twelve yards; I took it from him, and purſued him; I never loſt ſight of him till I ſecured him; there were eight fowls and three rabbits in the baſket, all alive; this is the baſket.

Q. (To Walkling.) Are you reſponſible for theſe fowls?—*A.* They were my own, I bought them to bring up to London for ſale. This is my baſket.

———— *ſworn.*—I am a watch-houſe keeper: I heard Williams call out for help; I came up to his aſſiſtance, and he beat me about very much; when I got him juſt to the door of the watch-houſe, I had got the door open, he pulled out a knife, and ſaid, he would cut the firſt bloody thief's arm off that attempted to ſhut the door. I found a crow that had dropped from him.

Priſoner's defence. The firſt time I ſaw thoſe fowls was upon Williams's ſhoulder; he told me the fowls had been cut from a waggon, and ſent me forward to aſk three waggons that had gone paſt whether they were their's or not; and two of them ſaid, no; and then he laid hold of me, and ſaid I was one of the thieves.

Q. (To Williams.) Is what you have ſworn true?—*A.* It is.

The priſoner called two witneſſes, who gave him a good character.

GUILTY (Aged 46.)

The Court immediately paſſed ſentence of tranſportation for ſeven years.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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333. JOHN RISDALE was indicted for feloniouſly ſtealing, on the 28th of March, a pannel ſaw, value 5s. the property of John Wilſon.

JOHN WILSON *ſworn.*—I am a carpenter: On Wedneſday, the 28th of March, I was at work at No. 77, Swallow-ſtreet; there was an alteration making under the ſtair-caſe, and I had occaſion to go below ſtairs for a bit of old ſtuff; I heard ſomebody walking over my head, I thought, as far as my bench, and then I heard ſomebody run out in a great hurry; I immediately went up ſtairs into the ſhop, I miſſed my ſaw immediately; I went to the ſtreet door, and ſaw the priſoner running, with the ſaw under his coat, it made his coat ſtick out ſo that I could ſee it as plain as if he had carried it in his hand; I never loſt ſight of him; it was a ſaw that I have had near five years, there is a mark upon the handle, and the name of Calton; I had ſwopped it with a man that worked with me. A conſtable was ſent for, and he was taken into cuſtody.

The priſoner did not ſay any thing in his defence.

GUILTY (Aged 63.)

Confined ſix months in the Houſe of Correction, and fined 1s.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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334. WILLIAM GRIFFITHS was indicted for feloniouſly ſtealing, on the 26th of March, a tin trimming pot, value 14d. and three quarts of lamp oil, value 20d. the property of John Loveder.

Second Count. For feloniouſly ſtealing a tin trimming, value 14d. the property of John Loveder, and three quarts of lamp oil, value 20d. the property of James Smethurſt.

(The caſe was opened by Mr. Knowlys.)

JOHN LOVEDER *ſworn.*—*Examined by Mr. Knowlys.*

Knowlys. I am employed by Mr. Smethurſt, who contracts for the lighting of the pariſh of Clerkenwell.

Q. Did you know the priſoner before?—*A.* Yes, he is in the ſamplighting way. On Monday, the 26th of March, I went in to dine at the Cobham's Head, in Cobham-row, I put my trimming pot full of oil, I ſuppoſe about a gallon, upon the top of the watch-box oppoſite the public-houſe; as ſoon as I had got my dinner, I ſaw the priſoner take the trimming pot away, he had juſt got it down before I clapped my eyes upon him; before I came up to him, he might have got twenty or thirty yards, I ſaid, how came you to ſteal my property, and he denied it; I ſaid, how can you deny it, when I ſaw you do it; he had put it down and got a little way off before I caught him, and he walked away as faſt as he could; I let him go.

Q. How came you not to ſtop him?—*A.* I did not know how to go about it, I told my maſter of it as ſoon as I ſaw him, and my maſter had him taken up.

Q. Are you ſure this is the ſame man that took away your trimming pot and your oil?—*A.* I am. This is it, *(producing it)*; the oil has been uſed, I am ſure it is the ſame that I had put upon the watch-box.

Priſoner's defence. I was coming along and ſaw this trimming pot ſtanding at the door, I looked at it knowing it, and wondered to ſee it there; and I went away, and he came after me and challenged me with ſtealing it; I did not meddle with it.

GUILTY (Aged 32).

Confined ſix months in the Houſe of Correction, publicly whipped, and diſcharged.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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335. THOMAS STENSON was indicted for feloniouſly ſtealing, on the 8th of April, a gold watch, value 9l. a gold chain, value 30s. and a gold ſeal, value 10s. the property of Thomas Green, privily from his perſon.

THOMAS GREEN *ſworn.*—I am a cork-cutter: On the 8th of April, Eaſter Sunday, between eight and nine in the morning, I was in at the Craven-head in Drury-lane: I had been home the night before, and could not make my houſekeeper hear; I had been taking a walk; I had not been in bed all night; the priſoner was in at the Craven-head; he worked for me, and he addreſſed himſelf to me, as knowing me; we had a pot of beer together, along with one Wilſon; Wilſon went away; and whilſt he was gone, I put my head upon my hand and fell aſleep in the box; Wilſon came back again, and touched me on the ſhoulder, and ſaid, we will go home.

Q. Had you been drinking in the courſe of that night?—*A.* Yes, I had; as we were going away, Wilſon miſſed my chain, and ſaid where is your watch; I put my hand down, and miſſed it; Stenſon was gone then; I really thought he had taken it to carry it home; the landlord and I went after him, and about noon we found him at a public-houſe, but I cannot recollect what houſe it was, nor what ſtreet it was in, it was about an hundred yards from where I loſt it; I have never ſeen the watch ſince.

Two other witneſſes were called, who were not able to give a better account of it.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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336. JEREMIAH FRANCIS was indicted for feloniouſly ſtealing, on the 4th of April, a wooden caſk, value 4d. and 56lb. of butter, value 20s. the property of William Eaſtgate.

WILLIAM EASTGATE *ſworn.*—I live in the Strand, I am a cheeſemonger: On the 4th of April in the evening, after candle-light, two men came into the ſhop and aſked for half a pound of Glouceſter cheeſe; the priſoner at the bar was one of the men; I ſuſpected them, and I took particular notice of them; when they were gone out, I miſſed a caſk of butter; I went round the counter towards the New Church, but could not ſee any thing of them; when I came back, the priſoner was in cuſtody, with the caſk of butter; the patrol Gibbs had him in cuſtody.

Croſs-examined by Mr. Knapp. *Q.* You loſt ſight of him then?—*A.* Yes, about ten minutes.

Q. And, during that time, he might have received the butter from ſome other hand?—*A.* Yes.

Court. *Q.* How is your houſe ſituated by the New Church?—*A.* No great diſtance; I live oppoſite the Savoy.

—— HITCHCOCK *ſworn.*—I am a lock-ſmith and bell-hanger: Mr. Eaſtgate ſent me to Mrs. Read for a caſk of butter, which I received from her, and took it to Bow-ſtreet. *(The caſk produced.)*

JOHN GIBBS *ſworn.*—I am a patrol belonging to Bow-ſtreet: On the 4th of this month I heard an alarm in the Strand of ſtop thief, and I ſaw a great number of people round the priſoner; I took hold of him, and aſked what was the matter, and I was informed he had ſtole a tub of butter.

Q. Do you know any thing of your own knowledge?—*A.* No; he ſaid he thought the people were going to murder him, he had not ſtole any thing; I ſecured him, and took him to the ſhop; and Mr. Eaſtgate ſaid, this is one of the men that came into his ſhop; Mr. Eaſtgate deſired me to take him to Bow-ſtreet.

ELEANOR

ELEANOR READ *ſworn.*—I keep a chandler's ſhop, in Marygold-court, in the Strand; Mr. Eaſtgate's ſide-door comes into the court; I went to throw ſome dirty water out of a pan, about ſeven o'clock in the evening, and I heard of the loſs of a caſk of butter from Mr. Eaſtgate's. Our court goes into another court; it is not a thoroughfare; the other court is called Bennett's-court. He put this caſk of butter off his ſhoulder upon ſome gratings which look into a cellar where the water comes in; I let him put the caſk of butter down, and let him go by our coal-ſhed door; I threw down the pan, and ran on tip-toe after him and collared him; my huſband came to my aſſiſtance; and I ſaid, this is the man that had the caſk of butter upon his ſhoulder; my huſband and I held him all the way down the court; he ſtruck me ſeveral times, and the mob ſaid we were murdering the man.

Q. Was your huſband and you beating him?—*A.* No; but he ſtruck me ſeveral times; my huſband let him looſe, and then I was obliged to let him go, for I could not hold him; he got away, and when I ſaw him again, he was in the hands of the patrol; that was in about ten minutes; I am ſure he is the man.

Q. Was it light enough to diſtinguiſh his perſon?—*A.* Yes; I was ſure he was the man.

Croſs-examined by Mr. Knapp. *Q.* You never ſaw this man before?—*A.* Not to my knowledge.

Court. *Q.* This is a very narrow court?—*A.* Very narrow.

Q. Were there any lamps alight?—*A.* Yes, I think there were.

Q. And, though he was beating you and your huſband, neither you nor your huſband ſtruck him at all?—*A.* Not till he got to the bottom of the court, and then I did over the head, but he got away directly.

Q. You loſt ſight of him for ten minutes?—*A.* Yes.

Q. And when he was brought back, he was in cuſtody?—*A.* Yes.

Q. Therefore you knew you ſhould find a man in cuſtody?—*A.* Yes.

The priſoner left his defence to his Counſel, and called two witneſſes, who gave him a good character.

GUILTY (Aged 27.)

Confined three months in Newgate, publicly whipped, and diſcharged.

Tried by the ſecond Middleſex Jury before
Mr. COMMON SERJEANT.

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337. WILLIAM HORRIBIN and JOHN PITTMAN were indicted, the firſt for feloniouſly ſtealing, on the 5th of March, five gallons of lamp-oil, value 13s. 6d. the property of Joſeph Lucas, Chriſtopher Spencer, and Thomas Tuckey; and John Pittman for receiving the ſame, knowing it to have been ſtolen.

(The indictment was ſtated by Mr. Knapp, and the caſe by Mr. Knowlys.)

JOHN NEWLIN *ſworn.*—*Examined by Mr. Knapp.* I am a carpenter, pump, and engine-maker: The priſoner Pittman lives at the corner of Dyot-ſtreet, St. Giles's; on the 5th of March, about ſeven o'clock in the evening, I was ſtanding at the pump oppoſite Mr. Pittman's door, I obſerved another man along with the priſoner Horribin go into the houſe of Mr. Pittman; I immediately croſſed over the way, and leaned upon the poſt juſt againſt the door to ſee what paſſed; the door was about three parts open; then I ſaw the other man take this cann off Horribin's man's head, *(producing it)*; at going in, he made a ſtop, and ſome oil poured out at the nozle; they both appeared to be lamplighters; then Horribin poured it out, and Mr. Pittman put it into his ciſtern; then I ſaw Mr. Pittman give him half-a-guinea and ſome other money, I could not diſcover what; I followed him to his maſter's houſe, and gave him information of it; the maſter told me to ſee if I could ſee any body go into this ſhop again. On the 7th—

Mr. Knapp. We muſt not hear that.

Newlin. Horribin was taken up, I believe, on the 10th of April; I took him myſelf in Dyot-ſtreet.

Q. The moment you ſaw this, you went and informed the maſter?—*A.* Yes; I followed him home, and he ſet the cann at his maſter's door.

Q. Are you ſure that is the kettle?—*A.* I think it is, but I cannot ſay; I picked it out from the ranks, where there were a great number of them, and the maſter ſaid that was the kettle.

Croſs-examined by Mr. Conſt. *Q.* You deſcribe yourſelf to be a carpenter—are you a carpenter?—*A.* Yes; I follow the trade.

Q. Are you any other buſineſs?—*A.* No.

Q. Have you never been employed by Police-officers?—*A.* No.

Q. What day was this?—*A.* Monday morning the 5th of March.

Q. And when was he taken up?—*A.* I think the 10th of April.

Q. Five weeks afterwards?—*A.* Yes; the maſter wiſhed me to watch to ſee if he could not catch him with more.

Q. You ſaw the half-guinea that Pittman gave him?—*A.* Yes.

Q. And you ſaw ſome oil pour out of the nozle of the kettle?—*A.* Yes.

Q. Did you ſay that in your firſt information?—*A.* I cannot ſay.

Q. Do not you know that you never thought of it till you found it neceſſary to prove it was oil?—*A.* I think I mentioned it to the Magiſtrate at Bow-ſtreet, I know it to be true that it did run out of the nozle of the kettle. *Q.* You

Q. You had ſeen nothing but the kettle before till that circumſtance?—*A.* I ſaw it poured twice into the meaſure, and after that into the ciſtern.

Q. And you ſwear that that is the kettle?—*A.* I went down to the door of the office, and looked at the kettle, it was marked No. 10.

Q. Will you ſwear that you ſaw it marked No. 10 before?—*A.* No, I will not; I know it by the noſe being bruiſed; the noſe being ſo ſhort that there is no other kettle like it in the whole *boiling*.

Mr. Knapp. Q. What induced you to watch?—*A.* The inducement I had to watch was, I had ſeen ſeveral people many times going into this ſhop with oil in canns, and I have ſeen the priſoner Horribin go into the ſhop repeatedly with a cann full of oil.

Mr. Conſt. Q. Did your conſcience ſuffer you to ſee that repeatedly?—*A.* I ſtopped till I could not bear it any longer; I was determined to know whether they had any perquiſites.

Q. Do you mean to ſwear they were full?—*A.* Apparently, from the weight of their carrying it; I waited till I ſaw the money was paid.

Q. Now I want to know why it was worſe that time than any time before?—*A.* I had ſeen them ſeveral times, and that made me watch.

THOMAS TUCKEY *ſworn.—Examined by Mr. Knowlys.* I am a contractor for lighting lamps, in partnerſhip with Joſeph Lucas and Chriſtopher Spencer; the priſoner was our cellar-man, at the lamp-office, in Phœnix-ſtreet, St. Giles's.

Q. Do you know Mr. Pittman's ſhop?—*A.* Yes; about 4 or 500 yards from our cellar.

Q. Did you receive any information from the laſt witneſs, reſpecting your ſervant Horribin?—*A.* Yes, on the 5th of March, a little after eight.

Q. Did you ſee any kettle?—*A.* Yes; Newlin pointed it out.

Q. You did not apprehend the priſoner till ſome time after?—*A.* No.

Q. What was the priſoner's duty?—*A.* To meaſure the oil; he was among tons and tons where he was at work.

Q. Is it poſſible to miſs by your eye two or three gallons?—*A.* No.

Croſs-examined by Mr. Gurney. Q. In point of fact, you did not miſs it?—*A.* No.

Q. Upon this charge being made, ſome weeks afterwards, Mr. Pittman ſurrendered himſelf, did not he?—*A.* No; Mr. Bond ſent for him.

Q. But he went without being taken up by a warrant?—*A.* Yes.

Q. What might be the value of as much oil as that?—*A.* About five gallons are worth 13s. 6d. the cann holds about five gallons and a half.

Q. Therefore, if he gave more than half-a-guinea, it was not much under the value?—*A.* No; it is worth 2s. 8d. a gallon, that is what it coſt us; the common price is 3s. 6d. a gallon.

Q. An oilman would not give 3s. 6d. for it?—No.

Court. Q. How much oil may you have at a time?—*A.* Sometimes we have 200 tons in the warehouſe at a time.

Horribin's defence. I am innocent of any thing of the kind.

Pittman's defence. I am quite innocent of the charge.

The priſoner, Pittman, called ſix witneſſes, who gave him an excellent character.

Mr. Tuckey. I never had reaſon to ſuppoſe that Horribin had been guilty of any thing of this ſort before.

Horribin, GUILTY (Aged 33.)
Tranſported for ſeven years.
Pittman, GUILTY (Aged 47.)
Tranſported for fourteen years.

Tried by the ſecond Middleſex Jury, before Mr. COMMON SERJEANT.

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338. JAMES LANDER was indicted for feloniouſly ſtealing, on the 19th of January, two trunks, value 10s. the property of James Haviland; eight linen ſhifts, value 2l. two linen gowns, value 1l. 1s. two muſlin gowns, value 1l. 1s. four white dimity petticoats, value 1l. 10s. part of a muſlin frock, value 5s. and four calico bed-gowns, value 12s. the property of Ann Haviland, ſpinſter; ten linen ſhifts, value 2l. 10s. a linen gown, value 10s. 6d. a gingham gown, value 10s. 6d. two white dimity petticoats, value 15s. four linen aprons, value 6s. four linen night-caps, value 3s. ſix calico bed-gowns, value 18s. a Ruſſia ſheet, value 10s. 6d. a Holland ſheet, value 12s. 6d. two cotton night-caps, value 2s. and two linen bed-gowns, value 6s. the property of Jane Haviland, ſpinſter; a woollen cloth frock coat, value 16s. a woollen cloth waiſtcoat, value 7s. a pair of woollen cloth breeches, value 18s. eight linen ſhirts, value 2l. eight pair of worſted ſtockings, value 8s. two flannel waiſtcoats, value 3s. two woollen cloth waiſtcoats, value 6s. four calico bed-gowns, value 12s. four cotton night-caps, value 4s. and ſix linen handkerchiefs, value 4s. 6d. the property of James Haviland, the younger; a woollen jacket and trowſers, value 1l. 8s. eight linen ſhirts, value 2l. eight pair of worſted ſtockings, value 8s. eight linen handkerchiefs, value 4s. four cotton night-caps, value 4s. four calico bed-gowns, value 12s. four linen pin-afores, value 4s. and three flannel waiſtcoats, value 3s. the property of John Haviland.

(The caſe was opened by Mr. Gurney.)

JAMES HAVILAND *ſworn.—Examined by Mr. Gurney.* I live at Bath: On the 19th of January, about eight o'clock in the evening, I took a coach from

from Webber-row, St. George's-fields, to the Saracen's-head, Snow-hill; I had in the coach with me, two ſons and two daughters, and two trunks.

Q. Who was the coachman that drove you?—*A.* The priſoner at the bar; I deſired him to drive into the yard; he ſaid, it was not allowed; I ſaid, go in, and aſk why it is not allowed; he went, and came back, and ſaid, it was not allowed; I deſired him to tell the book-keeper to ſend out a porter or two to take the trunks in; he went into the yard, and brought out two men with him.

Q. Does the yard immediately join the ſtreet, or is there a paſſage?—*A.* There is a ſort of lane.

Q. Could you ſee whether he went to the book-keeper's office or not?—*A.* I could not; he was back in about a minute, with two men; I aſked him if theſe two men were ſent out by the book-keeper or not; he anſwered they were; are they the porters of the yard, I aſked; he ſaid, yes; I handed the trunks out to the coachman to give to theſe men; after the trunks were delivered to the men; I was taking the number of the coach, 496, and alſo taking care of the children.

Q. After they had taken the trunks, did you obſerve which way they went?—*A.* I did not; after I had paid the coachman, and taken the number of the coach, I went up the yard; I ſhould tell your Lordſhip, that when I was going away, I obſerved a porter's knot in the coach, I did not obſerve it while I was in the coach; I went up to the coach-office and enquired for my trunks, they were not there; I then went after the coachman, and found him upon the ſtand at the Old-Bailey; I aſked him who thoſe two men where that he brought out—did you ſee the book-keeper; he ſaid, yes, I went into the coach-office; did you go into the book keeper's office; he anſwered, I went into the office and ſaw the book-keeper, who told him he might bring them himſelf and be d—d; that he then met the two men to whom he delivered the trunks; I ſaid, how could you tell me that the book keeper ſent out the two porters of the yard; ſays he, I know nothing about it, you may do as you can; I told him, you muſt come back to the book-keeper's office, and let the book-keeper ſee you; the porter and myſelf went back, and the priſoner followed; but when he came back, he acknowledged that he had not been into the book-keeper's office; he was at that time confronted by the book-keeper; the book-keeper declared he had not ſeen him; then he went away; as I knew the number of the coach, I thought he would be eaſily found; on the Monday morning the priſoner and I were both at the Hatton-Garden office together.

Q. Was what he ſaid taken in writing?—*A.* I cannot ſay, I think not; the priſoner ſaid, there were no boxes put into the coach; and then he ſaid, he ſaw them put in, but he never ſaw them taken out; I delivered them out of the coach into his hands, and I have never found them ſince.

Croſs-examined by Mr. Knapp. Q. You gave them into his hands as he gave them into the hands of the two perſons that came with him?—*A.* Yes.

Q. There was no difficulty in finding him, you went to the neareſt ſtand, not an hundred yards from the Old-Bailey?—*A.* Yes.

Q. You know the Saracen's-head pretty well, yourſelf?—*A.* Yes.

Q. Do not you know that there are two book-keepers?—*A.* I do not know.

Q. Do not you know there are waggons go from the Saracen's-head as well as coaches?—*A.* Yes.

Q. The priſoner has been admitted to bail, and has ſurrendered this day to meet his trial?—*A.* Certainly.

JOHN BOOTH *ſworn.—Examined by Mr. Gurney.* I am book-keeper to the coach-office, at the Saracen's-head.

Q. Do you recollect Mr. Haviland coming there in January laſt?—*A.* I do.

Q. Did you ſee the priſoner at the bar that evening?—*A.* Yes.

Q. Had that perſon been in your office the evening before?—*A.* No.

Q. Then I need ſcarcely aſk you whether you told him to fetch the trunks himſelf and be d—d?—*A.* No.

Q. Was any application made to you, by any perſon, to fetch trunks from a hackney-coach?—*A.* No.

Q. Mr. Haviland and the porter went after this man, and brought him back?—*A.* Yes; and when he came back, he acknowledged that he had not been in the coach-office.

Q. Did he pretend to ſay he had been in any other office?—*A.* No.

Q. Did he then ſay he had been in the waggon-office?—*A.* No.

Croſs-examined by Mr. Knapp. Q. There are two book-keeper offices in this yard, one for waggons, and another for coaches?—*A.* Certainly.

Q. What time in the evening was this?—*A.* I am not clear, I believe about nine o'clock.

Court. Q. Is there only one coach-office?—*A.* No; and only one waggon-office.

Mr. Knapp. Q. Will you take upon yourſelf to recollect the different perſons that came into your office, or the purpoſes that they came for?—*A.* Not particularly; I do not know what you allude to.

Q. You have porters employed by the inn?—*A.* Yes.

Q. And they do not always go to the coach-office before they go to the coach?—*A.* No.

Mr. Gurney. Q. Did this circumſtance of Mr. Haviland coming to you occur on any other evening?—*A.* Certainly not; that is the only circumſtance I have reaſon to look at.

Court.

Court. Q. Are your porters weekly porters?—*A.* We have three deſcriptions of porters; there are houſe-porters, coach-porters, and other porters. If a gentleman comes to the yard in a coach, it is uſual to ſend up to the office to aſk for porters to fetch up the baggage.

Court. Q. Suppoſe I call out porter at the end of the yard?—*A.* It is impoſſible a porter might come down.

Q. How are they paid?—*A.* The regular porters are paid by the week.

Mr. Gurney. Q. There are no porters ply there as they do at the Temple or the 'Change?—*A.* No.

Mr. Knapp. Q. If a carriage comes to the bottom of the yard, and they call out porter, would not either a waggon-porter or a coach-porter come down?—*A.* Yes.

WILLIAM RUBY *ſworn.—Examined by Mr. Gurney.* I am book-keeper to the waggon-office of the Saracen's-head.

Q. Look at the priſoner, do you know him?—*A.* No, I do not.

Q. Do you recollect hearing of trunks being loſt at your inn?—*A.* Yes.

Q. Did he come to your office?—*A.* No; if he had, I ſhould have ſent him to the coach-office.

Q. Have you any recollection of any body coming to you that evening for a porter?—*A.* No.

Croſs-examined by Mr. Knapp. Q. Whether this man came to your office and aſked, upon a particular day, for a porter, can you ſwear that?—*A.* I cannot ſwear any thing about it, I always direct them to the coach-office.

ELLIS HUGHES *ſworn.—Examined by Mr. Gurney.* I am porter at the Saracen's-head.

Q. Do you recollect Mr. Haviland coming there in January laſt?—*A.* I do, I went with him to find the hackney coachman; we found him in the ranks; that is him at the bar. Mr. Haviland aſked him who he had delivered the trunks to, and he ſaid, he had been to the coach-office, and got a porter to fetch them. Mr. Haviland told him there was no luggage brought into the houſe nor to the coach-office; he ſaid, he had been to the coach-office, and the book-keeper had deſired him to bring them up himſelf, and be d——d; he ſpoke to Mr. Haviland in a very inſolent manner, and he might do what he could. Mr. Haviland took his number.

Q. Did you happen to call that coach again that evening?—*A.* Yes.

Q. Did you look in the coach when you called it?—*A.* No; I opened the door, and let a gentleman in.

Q. Did you ſee a porter's knot in the coach?—*A.* No.

Croſs-examined by Mr. Knapp. Q. You found this man upon the Old-bailey ſtand, cloſe to the Saracen's-head?—*A.* Yes.

Q. How long after this?—*A.* A quarter of an hour.

Q. He might have drove down to Bridge-ſtreet in that time, or Holborn-hill?—*A.* He might.

Priſoner's defence. I am innocent of the charge; the porter came down the yard, it was late at night and very dark, I did not go into the warehouſe, but as ſoon as I got into the yard, I called out, porters, and two men came; I did not know but they were porters belonging to the yard. The gentleman and the four children, and the porters, all went up the yard together.

Court. (To Haviland.) Q. Did you ſee what became of thoſe two men after you had given them the trunks?—*A.* I did not, the trunks went ſome time before me, I ſtopped to pay the coachman.

The priſoner called eight witneſſes, who gave him a good character. NOT GUILTY.

Tried by the London Jury, before
Mr. COMMON SERJEANT.

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339. JOHN HUMPHREYS was indicted for breaking and entering the dwelling-houſe of James Clarke, about the hour of three in the night of the 4th of April, with intent the goods of the ſaid James burglariouſly to ſteal, and ſtealing, a canvaſs bag, value 2d. 63 guineas, 69 half-guineas, 60 ſeven-ſhilling pieces, eight baſe ſhillings, value 8d. a baſe ſixpence, value 1d. 33l. 8s. 5d. in monies numbered, a Bank-note, value 20l. another, value 10l. eight other Bank-notes, each of the value of 5l. 15 others, each of the value of 2l. 64 others, each of the value of 1l. an order for the payment of money, value 311l. 17s. 6d. three other orders for the payment of money, each of the value of 10l. another, value 7l. 6s. two others, each of the value of 5l. and one other order for the payment of money, value 4l. 2s. the property of the ſaid James.

(The caſe was opened by Mr. Knapp.)

JAMES CLARKE *ſworn.—Examined by Mr. Knapp.* I am a cheeſemonger, on Snow-hill: On the 4th of April, I went to bed about one in the morning; at a little paſt four there was a great noiſe at the door, and a ringing of the bell, from which I learned that the houſe had been broke open; the cellar window was forced open; I called my man up, and went round the premiſes, and found every other part faſt; the ſtaple had been drawn.

Q. How does the cellar communicate with the houſe?—*A.* From the front of the ſtreet.

Q. Can you get into the houſe by means of the cellar?—*A.* Yes.

Court. Q. How was it forced open?—*A.* There was a large bar, and the padlock forced from the bar, and then by puſhing the bar on one ſide, any perſon could go down into the cellar.

Q. Where had you put the property that you loſt over night?—*A.* All within-ſide of my deſk in the ſhop;

ſhop; part of the guineas were in a bowl, part of them in a paper, and part of them in a bag; the ſhillings were part in a bag, and part in a bowl; the notes were part in a bowl, and part in a bag; thoſe of them that were in the bowl were incloſed in a paper; there was wrote upon one paper the name of Reynolds; there were Bank-notes and caſh in that paper, and there was a draft for 311l. 17s. 6d.

Q. Did you ſee the priſoner the next morning?—*A.* Yes; and ſaw him at the watch-houſe.

Q. Was the deſk broke open?—*A.* Yes, I had the key; the firſt time I ſaw the priſoner, was about half paſt four, in cuſtody of Metcalf, at the watch-houſe, and there I ſaw my property upon the table.

Q. Was that the ſame property that you had ſecured the night before in your deſk?—*A.* It was.

Q. Do you know any thing of the priſoner?—*A.* No; I never ſaw him, that I recollect, till the 5th of April. I am not ſure, in the hurry, whether the accompting-houſe door was broke open or not, but the accompting-houſe window was thrown up, and I ſuppoſe he made his eſcape that way.

Q. Where did he make his eſcape to?—*A.* He was purſued by the watchman and patrol, and was taken as he was going up Holborn hill.

ROBERT METCALFE *ſworn.*—I am a patrol of St. Sepulchre's: On the 5th of April, in the morning, about a quarter after five, going paſt the proſecutor's houſe, I ſaw the priſoner at the bar ſtooping at the cellar window of Mr. Clarke's houſe, I heard the cellar window ſhut to, I croſſed the way and put my hand againſt the ſhutter, and found it was open; I kept my eye upon him, and called to a watchman to ſpring his rattle, which he did. At the end of the King's-arms gateway, he threw down a coarſe apron, containing papers of halfpence and penny pieces, one paper contained five guineas worth, I believe; I purſued, and was ſtopped by the watchman, and when I was ſtopped, he croſſed over directly from Field-lane towards Shoe-lane, and there he was ſtopped by the St. Andrew's inſpector, Howard, and there I loſt ſight of him in turning the corner.

Q. Are you ſure the priſoner is the man?—*A.* Yes. Then I went to let Mr. Clarke know, and he went with me to the watch-houſe.

ROBERT SLY *ſworn.—Examined by Mr. Knapp.* I picked up a bundle containing five guineas-worth of halfpence and penny pieces, the priſoner dropped it directly againſt my box from under his arm; I carried it over to my watch-box, and the patrol, Metcalf, carried it to the watch-houſe; I delivered it to him.

Metcalf. When I received it from Sly I took it to the watch-houſe, and delivered it to Mr. Clarke.

JOHN HOWARD *ſworn.—Examined by Mr. Knapp.* I am an inſpector of lamps: I ſtopped the priſoner and took him to the watch-houſe; I found 7081. 15s. 5½ in gold, ſilver, copper, Bank-notes and checks *(The property is produced).*

Mr. Clarke. I loſt all this property; here are two 1l. Bank-notes which both have my hand-writing upon them; and here is half of a 30l. note, the other half of which I have now in my pocket.

The priſoner did not ſay any thing in his defence, but called two witneſſes, who gave him a good character.

GUILTY **Death.** (Aged 35.)

Tried by the London Jury, before
Mr. COMMON SERJEANT.

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310. AUGUSTUS SEATON, THOMAS CLIFTON, and HANNAH LYONS, were indicted, the two firſt for breaking and entering the dwelling-houſe of John Nicholſon, about the hour of five in the night of the 10th of February, and ſtealing a gold watch, value 10l. a watch gilt, with an enamelled caſe, value 4l. three other watches with gold caſes, value 18l. a watch in a ſilver caſe gilt with gold, value 4l. another watch with a ſilver caſe, value 4l. ſix gold ear-rings ſet with pearls, value 6l. 27 leather ring-caſes, value 12s. 24 cornelian ſtone ſeals ſet in gold, value 20l. three cryſtal ſeals ſet in gold, value 2l. 66 gold rings, value 18l. a pair of gold ſleeve buttons, value 1l. a gold enamelled bracelet ſet with a brilliant, value 1l. four pair of gold enamelled bracelets, value 10l. two other gold enamelled bracelets, value 2l. two gold watch-caſes, value 2l. two pair of gold bracelets, value 16s. another gold bracelet, value 5s. three pair of metal bracelets with gold tops, value 8s. two pair of metal bracelets, value 4s. a gold watch-chain, value 30s. a ſilver breaſt plate, value 16s. 24 baſe metal lockets with gold joints, value 10l. ſeven gold fauſſes montres, value 15l. a miniature picture ſet in gold, value 2l. three gold lockets, value 1l. two miniature paintings on ivory, value 1l. three ivory boxes ornamented with gold, value 1l. a tortoiſe-ſhell box mounted with ſilver, value 4s. five tortoiſe-ſhell ſnuff-boxes ornamented with gold and ſilver, value 30s. three neck gold chains, value 5l. four pair of ſilver knee-buckles, value 8s. two ſilver knee-buckles, value 2s. a pair of ſtone knee buckles ſet in ſilver, value 6s. two bunches of patent pearl beads, value 1l. ſeven pair of ſilver ſugar tongs, value 2l. four gold watch-caſes, value 4l. two gold watch-hooks, value 10s. a gold locket-buckle ſet with pearls, value 1l. and a pair of pearl bracelet buckles, value 6s. the property of the ſaid John, in his dwelling-houſe; and Hannah Lyons for feloniouſly receiving, on the 11th of February, part of the above-mentioned goods, knowing them to have been ſtolen.

(The caſe was opened by Mr. Knapp.)

JOHN NICHOLSON *ſworn.—Examined by Mr. Knapp.* I am a jeweller in Cornhill: On Friday, the 9th of February I went to bed about half paſt twelve

twelve at night; my boy ſleeps in the ſhop; I was the laſt perſon up; I made the ſhop ſecure; I never leave the ſhop without ſeeing it ſecured; the next morning, a little paſt ſeven, I was awaked by a violent ringing of the ſhop bell; I went down ſtairs, and found the ſhutter of the ſhop window cut through, and the property gone as far as two ſquares of glaſs.

Q. How was it cut through?—*A.* By means of a centre-bit.

Q. What ſort of an aperture was it?—*A.* Large enough to admit an arm in up to the ſhoulder, becauſe I tried it. Upon looking, I found the moſt valuable part of my property in the lower window gone; watches, ſeals, rings, bracelets, and a number of articles ſtated in the indictment, to the amount of upwards of 200l.; how much more I cannot ſay; there were ſeven or eight pair of ſugar tongs, I think eight, and there was a ſilver breaſt-plate, which I make for the Artillery Company; there were two or three hoop rings, and the ſettings of ſome pictures.

Q. I am aſking you as to thoſe things that are found?—*A.* Yes, and many other articles. I gave information at Bow-ſtreet immediately, but heard nothing for a fortnight; I got my information from the accomplice (Clark, otherwiſe Lewis); in conſequence of which, I went with Armſtrong, Harper, Peach, and Wray, to the ſign of the Trumpet, in Shire-lane, Temple-bar; I found Clifton and Seaton there; I went in firſt, and knew them to be the men by the deſcription given me; in conſequence of that, the officers put them in a coach and took them to Coldbath-fields; from thence we proceeded to ſome lodgings in Pinner's-court, Gray's-inn-lane, but they were locked; then we went to other lodgings in Wych-ſtreet, Temple-bar; there we found Mrs. Seaton, but no property; we took Mrs. Seaton back with us to Pinner's-court; and there, in a tumbler upon a ſhelf in the fore room, I found a ring, which I am very ſure is mine; in a ſmall trunk in the back room, which is a bed-room, I found a pair of ſilver ſugar-tongs, which are mine, and I am ſure were in my houſe the night previous to the robbery; the next day the priſoners were had up to Worſhip ſtreet and examined; I ſwore to the property found; I alſo got a warrant to ſearch the houſe of one Thomas Dudfield, in Flower-de-luce court, Fetter-lane.

Q. Did you hear Seaton ſay any thing about his lodgings?—*A.* Yes; he owned the lodgings in Pinner's-court to be his before the Magiſtrate. I went with the officers to Dudfield's lodgings; there we found the woman priſoner, Hannah Lyons, who ſearched the houſe, and on the ground-floor, in the bureau, found a ſilver breaſt-plate, which I am pretty ſure was mine, but it had been ſo defaced by filing the engraving away, that I hardly knew it again, but I am ſure it is mine; Mrs. Lyons was in bed when we went in, and ſhe ſaid there was no property there but what was her's; when theſe things were found, ſhe ſaid ſhe knew nothing of them; and did not know how they came there; there was an enamelled watch which had the appearance of being cut up, that I do not mean to ſwear to; I loſt an enamelled watch; I did not find any thing elſe there; ſhe was taken into cuſtody, and committed by the Lord-Mayor.

Croſs-examined by Mr. Knowlys. Q. You went to ſearch the houſe of Thomas Dudfield?—*A.* Yes.

Q. And now then call that woman at the bar Hannah Lyons?—*A.* Yes.

Q. Do not you know that ſhe paſſed as Mrs. Dudfield?—*A.* Yes.

Q. She was found in her huſband's bed?—*A.* Yes.

Q. And ordered the girl to ſtrike a light, to ſhew you wherever you pleaſed?—*A.* Yes.

Q. You have indicted him for receiving?—*A.* Yes; but have not been able to find him.

Croſs-examined by Mr. Gurney. Q. You went to Gray's-inn-lane to ſearch ſome lodgings—whoſe were they?—*A.* Seaton's.

Q. How do you know that?—*A.* He acknowledged them to be his.

Q. Perhaps there are more ſtairs than one?—*A.* Yes; we found thoſe things upon the ground-floor.

Q. You do not mean to ſay, that he pointed out that particular floor as his lodgings?—*A.* He ſaid that the ground-floor was his lodgings.

Q. Were there more rooms than one upon the floor?—*A.* Yes.

Q. Therefore there may be two lodgings, for any thing you know, upon the ground-floor?—*A.* There were two rooms, one went out into the other; there is no communication into the back room, without going through the front room.

GEORGE BATEMAN *ſworn.—Examined by Mr. Knapp.* I am ſervant to Mr. Nicholſon: I ſlept in the ſhop the night the robbery was committed; I was alarmed a little after ſeven in the morning by ſome perſons at the door ſaying the hole was big enough for either two fingers, or two hands.

Q. And you miſſed the property that your maſter has ſpoke of?—*A.* Yes.

JOHN TATTON *ſworn.—Examined by Mr. Knapp.* I am a hackney-coachman: I was upon the ſtand in Cornhill, on the 10th of February, Sunday morning.

Q. Do you remember hearing of Mr. Nicholſon's houſe being robbed?—*A.* Yes; I remember hearing of it the next day.

Q. Did you ſee any perſons about the premiſes that you ſhould know again?—*A.* There was a tall man and a ſhort man, and three or four others.

Court. Q. What time was it you ſaw them?—*A.* From a little before one till a quarter after three.

Mr. Knapp.

Mr. Knapp. Q. Should you know either of them again?—*A.* There was one that I think I ſhould know. *(Clark called in.)* That man I ſaw more than twenty times in the night; he was in company with two more; and that man in the white waiſtcoat (Clifton) is very much the ſize of one of them; he had a light-coloured coat on then.

Q. Did theſe people ſay any thing to you in the courſe of the night?—*A.* The tall man ſpoke to me; he aſked me what the coach was ſtanding there for, I told him I was about my buſineſs, as I ſuppoſed he was about his; my coach was on the ſtand, within about four doors of Mr. Nicholſon's houſe; Clark moved my hat over my eyes as I ſat; I was neither aſleep nor awake; I aſked him what he did that for, and he ſaid, he was only larking, or joking, or ſomething of that ſort.

Court. Q. What did theſe men ſeem to you to be about?—*A.* I cannot tell what they were about; they kept paſſing me, ſometimes on one ſide of the way, and ſometimes on the other.

Q. You obſerved Clark—did not you obſerve the others?—*A.* Yes.

Q. How often did you ſee them at the Juſtice's?—*A.* A fortnight after.

Q. Did you know them again?—*A.* The one in particular, and the tall one; and I thought I knew Clifton, but I could not ſwear to him.

Q. What do you think now?—*A.* He is like the perſon that was there.

Q. What became of you at three o'clock?—*A.* I went home, and put my coach up.

Q. You did not think it a part of your duty to tell the watchman there were ſome fellows lurking about?—*A.* I never thought any thing of what they were about; the watchman ſaw them paſs and repaſs as often as I did.

JAMES LEWIS, otherwiſe CLARK, (an accomplice) *ſworn.—Examined by Mr. Knapp.* Q. Do you know the priſoner at the bar?—*A.* Yes. On Friday the 9th of February, Seaton and I were walking up Cornhill, and we obſerved a boy taking down the ſhutters of Mr. Nicholſon's ſhop, the corner of St. Peter's-alley; that was about half paſt ſeven in the morning; I ſaid to Seaton, there is a boy taking down the ſhop ſhutters, and they do not appear to me to be lined with iron; accordingly we went over the way, and Seaton looked at them; Seaton ſaid to me, no doubt but we might cut a piece out of them; accordingly we went away, and met the ſame evening at the Trumpet in Shire-lane, myſelf, Seaton and Clifton; we told Clifton what we had ſeen in the morning, and we agreed to go on the Saturday night to cut a piece out of the ſhutter; accordingly we met the next night at the ſame houſe, the Trumpet, and ſtaid till half paſt two o'clock in the morning; from thence we went to this houſe, the corner of St. Peter's-alley, and Seaton, with implements that he had got, cut a piece out of the ſhutter.

Q. What implements were they?—*A.* What we call a ſpike-bit, and a chiſſel; after the piece was cut out of the ſhutter, the window was broke by cutting the ſhutter, a great quantity of property was taken out, watches, rings, ſeals, and bracelets.

Court. Q. Who put his hand in?—*A.* I did myſelf, and Auguſtus Seaton.

Q. Did any body elſe?—*A.* No; Clifton was ſtanding by on the pavement; I and Clifton received part of the property that was taken out by Seaton to take it away; after that, we went to Seaton's houſe, in a court in Gray's-inn-lane, I do not know the name of it, and there they were ſorted by the receiver in two different parcels; accordingly myſelf and Seaton, and Clifton, took them to a houſe in Flower-de-luce-court, Thomas Dudfield I heard his name was, but I do not know the man; we took one half of the property then, and Seaton knocked at the door, and a man looked out of the window that I never ſaw before, I underſtood it was Dudfield, he came down to the door, and opened it, he ſhewed Seaton and I up into his bedroom, Clifton ſtaid in Fetter-lane; Seaton and the man agreed for the property, the woman at the bar was there at the ſame time, ſitting upright in the bed, I ſtood behind them while they were agreeing for the property; there were two gold watches, ſeveral ſeals, rings, ſugar-tongs, ear-rings, bracelets, necklaces, &c. Seaton aſked eighteen guineas for the property; Dudfield ſaid, he could not afford to give any more than twelve guineas; the woman at the bar replied, ſhe did not think her huſband could afford to give more than twelve guineas, upon account of the tax that had been laid upon gold watches at that time; then Dudfield ſaid, he would give thirteen guineas for them, he gave the money to Seaton; as we came out of Dudfield's houſe, we met with Clifton, and we all three went to Seaton's houſe in a court in Gray's-inn-lane; we told Clifton what money we had got for the property; then we agreed that Seaton ſhould take the remainder of the property to Dudfield's houſe.

Q. Did you divide that money?—*A.* No, Seaton kept it; Clifton and Seaton went back again to go to Dudfield's houſe, but I did not go with them.

Q. At any time did you receive any part of this money?—*A.* After they came back, which was in about three quarters of an hour, they told me they got fifteen guineas more for the remainder part of the property, and then it was all equally divided amongſt us three.

Q. Had you any other implements about you than you have deſcribed?—*A.* Each of us had a piſtol.

Q. Had you any thing elſe beſides piſtols?—*A.* Not to my recollection.

Croſs-

Croſs-examined by Mr. Gurney. Q. You were taken up upon a charge of burglaries and robberies? —*A.* Yes.

Q. You began to be frightened with the idea of the gallows?—*A.* No; I was not frightened with any idea of coming to the gallows for what I was apprehended for.

Q. Did not you begin to think you might come to the gallows before you wiſhed for it?—*A.* No doubt.

Q. You knew if you got ſomebody elſe to take your place, and ſwear againſt ſome other perſons, they would be hanged and you ſaved?—*A.* Yes.

Q. And then it was after you had been in cuſtody a week, or a fortnight, that you made this charge upon theſe young men?—*A.* In leſs than that.

Q. You ſtaid at the Trumpet till half paſt two, and then you went to Mr. Nicholſon's houſe?—*A.* Yes.

Q. Then you could not have been one of the perſons who was walking about Cornhill from one o'clock till three?—*A.* We were there by half paſt two.

Q. I ſay, you could not be one of the perſons who were walking about Cornhill from one till three?—*A.* I do not know.

Mr. Gurney. Then I am ſure I will not aſk you a ſingle queſtion more.

Court. Q. When you got to Cornhill, what did you do with yourſelf?—*A.* I ſtood on the oppoſite ſide of the way to Mr. Nicholſon's houſe.

Q. Did you obſerve any thing there particular? —*A.* No, nothing at all.

Q. Did you obſerve any carriages?—*A.* Three coaches on the ſtand, and they drove away very ſoon afterwards, in about an hour.

Q. Were you ſtanding ſtill all that time?—*A.* No, walking backwards and forwards oppoſite Mr. Nicholſon's houſe.

Q. You did not join the other two at all?—*A.* Not till the piece was cut out of the ſhutter.

Q. Did you ſpeak to the coachman?—*A.* No.

Q. Did you do any thing to him?—*A.* No.

Q. Recollect yourſelf?—*A.* No farther than walking paſt him; I did not do any thing to him.

Q. Did you touch him?—*A.* No; I walked paſt him ſeveral times, and looked at him, that was all.

Q. Are you ſure you did not do any thing to him at all?—*A.* Yes.

Q. Did not he ſpeak to you?—*A.* He was ſtanding up againſt the door of a houſe.

Q. Did you touch his hat?—*A.* No.

Q. Are you ſure of that?—*A.* Yes.

Q. At what houſe was he ſitting?—*A.* At a houſe oppoſite his coach.

Q. You did nothing till the coaches were drove away?—*A.* The coaches drove away before the property was taken out of the ſhop.

JOHN ARMSTRONG *ſworn.*—I am an officer belonging to the Police-office, Worſhip-ſtreet: I apprehended Seaton, in company with the other officers, at the Trumpet, in Shire-lane, on Tueſday the 22d of February; I afterwards went and ſearched Clifton's lodgings, where I found a woman whom I took to No. 4, Pinner's-court, Gray's-inn-lane, and there I found theſe pick-lock keys, *(producing ſeven)*, upon the ground-floor; Wray has got the other things.

Croſs-examined by Mr. Gurney. Q. You attended the examination at the Magiſtrates'?—*A.* Yes.

Q. Do not you know that the examination of Seaton was taken in writing?—*A.* There was none of it taken in writing.

Q. Are you ſure of that?—*A.* I am very ſure of it.

Q. Were you there when Mr. Nicholſon was there?—*A.* Yes.

Q. Therefore you cannot ſwear to its contents? —*A.* No.

JOHN WRAY *ſworn.—Examined by Mr. Knapp.* I am an officer belonging to the ſame office: I went with Armſtrong and the other officers; after he was apprehended we went to Seaton's apartments, in Pinner's-court, Gray's-inn-lane, and in the back-room, upon the ground-floor, I opened a box, and found a pair of ſugar-tongs, which Mr. Nicholſon claimed; alſo a pearl ring, and a ſixteenth of a lottery-ticket, which Seaton ſaid was his, that was found in the ſame place where I found the other things, and where I found a great number of duplicates.

Mr. Nicholſon. I have no doubt of theſe tongs being my property, it has my private mark upon it, L Z K; the ring has been marked, but it has been taken out, I believe it to be mine.

Mr. Gurney. Q. If you had come to my houſe and found this ring, would you have ſuppoſed it to be your's?—*A.* No.

Mr. Gurney. Q. When you ſell ſugar-tongs, and other articles, do you not ſell them with a private mark upon them?—*A.* Yes.

Mr. Knapp. Q. Upon the whole, are you able to ſay that theſe are your property?—*A.* Yes.

JOHN CLARK, *ſworn.—Examined by Mr. Knapp.* I apprehended the woman priſoner in a houſe in Flower-de-luce-court; in a bureau I found a breaſt-plate very much defaced, and the ſetting of pictures.

Mr. Nicholſon. This contained my picture, which Mrs. Nicholſon wore; I am ſure it is mine.

Clark. Croſs-examined by Mr. Alley. Q. I believe you know that this woman has lived with Dudfield for a great many years, who has gone away?—*A.* Yes.

Q. You know that they lived together as man and wife, and ſhe has had ſeveral children by him? —*A.* Yes.

WILLIAM

WILLIAM BURROWS *ſworn.—Examined by Mr. Knapp.* I live at No. 4, Pinner's-court, Gray's-inn-lane.

Q. You let lodgings?—*A.* Yes.

Q. Who did you let the ground-floor to?—*A.* One Mr. Seaton, I believe, but I do not know any thing of him; I cannot ſwear to him.

Q. Go to the bar, look at him?—*A.* That is the man.

Seaton's defence. Mr. Nicholſon ſaid, before the Juſtice, that he could not ſwear to the ring.

Clifton's defence. I am innocent of the crime that I am charged with.

The priſoner Clifton called two witneſſes, who had known him from ten to ſixteen years, and gave him an excellent character.

Seaton, GUILTY Death.
Clifton, GUILTY Death.
Lyons, NOT GUILTY.

Tried by the London Jury, before Mr. COMMON SERJEANT.

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341. MARY BROWN was indicted for that ſhe, together with another perſon to the Jurors unknown, on the 22d of March, in the dwelling-houſe of John Brown, upon James M'Cormick did make an aſſault, putting him in fear, and taking from his perſon, a pocket-handkerchief, value 6d. a man's ſwanſdown waiſtcoat, value 3s. a pair of thickſet breeches, value 7s. a Bank-note, value 2l. and five other Bank-notes, each of the value of 1l. the property of the ſaid James.

JAMES M'CORMICK *ſworn.*—On the 22d of March, about the hour of nine in the evening, I was coming paſt the priſoner's door, ſhe and another woman, whom I do not know, ſtopped me at the door and took hold of me by my coat, and inſiſted that I ſhould go in to treat her; I told her I was going home to my quarters, and I could not, I am a ſeafaring man; they got me in, and then they ſhut the door to, and inſiſted that I ſhould ſtay all night; they would not let me go, and the bundle that I had in my hand, containing a waiſtcoat and a pair of breeches, the priſoner took out of my hand againſt my will and inclination, and inſiſted that I ſhould ſend for liquor; upon which I ſent for a ſhilling's-worth that I might extricate myſelf the ſooner, and ſhe ſent the other girl for the liquor, and it was brought; the priſoner inſiſted that I ſhould ſet down in a chair till the liquor was brought in; when that was drank, ſhe would not let me go, I muſt either ſend for more liquor, or I muſt not go out of the houſe for that night; I ſent for another ſhilling's-worth, and ſhe ſat down cloſe by me with her hand acroſs my thighs; when the girl came in with the liquor I put my hand down immediately to my breeches pocket, and miſſed five Bank-notes of 1l. and one of 2l. they ſhoved me out of doors, and kept the bundle, it contained a new waiſtcoat and new breeches; they locked the door. I waited at the door for a watchman, and he did not come by for nine or ten minutes; I called out, watchman, two or three times; from thence I proceeded up to the Highway, and met a watchman coming down Eaſt-Smithfield.

Q. Where was this?—*A.* In Black-horſe-yard, leading to Ratcliffe-highway. I requeſted the watchman to let me ſtay with him till the morning. This happened on the Thurſday night, I did not find her again till the Monday after; the officer found a note concealed under her arm; the waiſtcoat and breeches were pawned in the Minories.

Q. Are you ſure the priſoner at the bar is the woman?—*A.* Yes, that is the woman that pulled me into the houſe againſt my will, and took my bundle from me, and my money.

Priſoner. *Q.* Did not you ſearch ſeveral other houſes, and kept two women in trouble for eight days before?—*A.* I never fixed upon any other woman but her.

JOHN SHEPHERD *ſworn.*—I am a pawnbroker, ſervant to Mr. Windſor, in the Minories: *(produces a ſwanſdown waiſtcoat and a pair of thickſet breeches)*; they were pledged on Saturday the 24th of March, by a woman, in the name of Mary Brown, I believe it was the priſoner, but I cannot ſwear that.

Proſecutor. I know this to be my property.

JOHN COOKE *ſworn.*—I am an officer belonging to the Police Office at Shadwell: On Monday, the 26th of laſt month, I apprehended the priſoner at the bar in Angel-court, Nightingale-lane; in ſearching her, I found a 1l. note under her arm between her ſkin and her ſhift, and in her pocket a ſeven-ſhilling piece; I produced the note before the Magiſtrate, and the proſecutor did not know it.

Proſecutor. I loſt ſome gold, but I cannot tell what.

Priſoner's defence. I never ſaw the proſecutor in my life till he came to take me up; he ſaid, he believed me to be the perſon; he went to my mother, and ſaid, if ſhe would give him 4l. he was going to ſea, and would not appear againſt me.

Q. *(To the Proſecutor.)* Did you ever offer to make it up with her mother?—*A.* No, I never ſpoke two words in my life to the mother; I did not offer to do any ſuch thing. NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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342. JOSEPH SCOTT was indicted for feloniouſly ſtealing, on the 22d of March, a pint pewter pot, value 6d. and a quart ditto, value 10d. the property of Robert Carter.

ROBERT CARTER *ſworn.*—I keep the Green Man and Still, Coppice-row, Coldbath-fields; I have loſt a great number of pots. On Thurſday the

the 22d of March, the prisoner and another person came to my house, about five o'clock, and called for a pot of beer, and they had to the tune of three; about half past seven I went out, and when I returned, in about ten minutes, they were gone; I did not miss the pots till they were brought back, in about half an hour, by the patrol, with a quart pot and a pint pot, and he has had them ever since.

——— FORD *sworn.*—I am a patrol: *(Produces a quart and a pint pot)*; I had them from the prisoner at the bar, in Benjamin-street, St. Sepulchre's, about a quarter of a mile from the prosecutor's house, or it may be better; I was going round Cow-cross, between seven and eight o'clock, and seeing something under his coat, I stopped him; we followed him; he went into an iron shop, and offered the two pots for sale; he came out of the iron shop and ran, and we followed him; he fell down, and then we took the pots from him; we asked him whose pots they were, and he said Mr. Carter's, at the Green Man and Still, in Coppice-row.

Q. Had not you recommended him to confess the truth?—*A.* No; I had told him nothing of the kind. I have had the care of the pots ever since. *(Produces them. They are deposed to by the prosecutor.)*

Prisoner's defence. I had a great quantity of dust to sift at 4d. a load, and all that I found in the dust; I found these pots among the dust; I went to sell them, and when this man stopped me, I told him I had picked them up upon a dust hill.

The prisoner called one witness, who gave him a good character. GUILTY (Aged 26.)

Confined six months in the House of Correction, publicly whipped, and discharged.

Tried by the second Middlesex Jury, before Mr. RECORDER.

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343. WILLIAM HOMAN was indicted, (together with HENRY NIBLETT, not in custody,) for the wilful murder of William Turner, on the 12th of March.

GREENHOUGH SHAW *sworn.*—On the 12th of March I went with my wife to see a friend at Stepney: I had occasion to go to a public-house, the Angel, and near the Angel I saw a most desperate battle; I saw the last half hour or twenty minutes of the battle, between the deceased, a young man a baker, and a publican of the name of Niblett; the event of the battle terminated in the death of the young man, whose name was Turner, he lived to be carried home to his master's house, and I think lived about a quarter of an hour after that; they fought with their hands only.

Q. Do you know the situation of the prisoner at the bar, Homan?—*A.* I understood him to be a butcher.

Q. Was he present at the time?—*A.* Yes, he was; he acted as second to the deceased.

Q. Did you see him do any thing?—*A.* Yes, he took a very active part; apparently what he thought a friendly part for the deceased.

Q. Was there a second on the other side?—*A.* Yes, there was.

Q. You do not know any of the bye-gone circumstances?—*A.* No.

JOHN PAULIN *sworn.*—I am an auctioneer: I was coming by and saw an assemblage of people; I saw the termination of the battle, which was the death of one of the combatants, Turner; I saw the prisoner there just before they went to fight; I thought I saw in the publican, Niblett, a disinclination to fight; I took him aside, and told him I hoped he would consider well before he went to fight; I told him it would let him down very much; he thanked me for my advice, but said he had gone so far, that it must be finished in that way.

Q. Did you see any particular conduct of the prisoner?—*A.* When I saw the deceased much hurt, I broke into the ring among them; I told the prisoner at the bar, if he set the man to fighting any more, I would have him taken up; by this time other people had broke in; the prisoner said he had a guinea in his pocket as well as me, and he would set him up to fight, as long as he would fight; he never did fight afterwards.

Court. I would not advise the Jury to stretch this case to murder, though it approaches very nearly to murder. GUILTY of Manslaughter.

Confined one year in Newgate, and fined 20l.

Tried by the first Middlesex Jury, before Lord KENYON.

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344. MARGARET BLADON was indicted for feloniously stealing, on the 27th of January, a man's cloth great coat, value 8s. a black silk cloak, value 8s. 3 check aprons, value 3s. a man's linen shirt, value 2s. a linen shift, value 2s. a linen table-cloth, value 2s. a black stuff gown, value 5s. a cotton shawl, value 2s. and two flat irons, value 12d. the property of William Hackett.

WILLIAM HACKETT *sworn.*—I live at No. 4, Portpool-lane, Gray's-inn-lane: On the 27th of January I missed the things named in the indictment, *(repeating them)*; my wife was very ill, and I had the prisoner from the work-house to nurse her; my wife had sent her into the back room for her cloak, and she went out at the back door, and never came back again; I missed them in about half an hour after.

ELIZABETH HACKETT *sworn.*—The prisoner came to nurse me in my illness: I sent her into the back room, and she took a shawl from the bed-side before my face, and went away, and never returned again; I have never recovered any of the things; there was no other person in the apartment; she had been with me a fortnight and three days.

Q. Had

Q. Had you paid her any thing for it?—*A.* No; I applied to the pariſh, and they told me they would ſend me an honeſt nurſe; the priſoner ſaid, before me, that if I would make out a liſt of the things, and charge, ſhe would get a perſon to pay for them.

Priſoner. I ſaid I would make good the things ſooner than ſhe ſhould proſecute me.

HANNAH PHIPPS *ſworn.*—On the 17th of January, I ſaw the priſoner, and having heard that ſhe had robbed the people where ſhe had been nurſing, I challenged her with it, and ſhe ſaid, how dare I ſay that; I told her ſhe muſt go with me, for there was a conſtable after her; and I heard her ſay ſhe had a brother that would pay whatever they charged for the things.

Priſoner's defence. My miſtreſs was inclined to get up, and I put a ſhawl round her neck, and ſhe ſent me into the back-room to fetch the cloak; I miſſed the cloak, and ſeveral other things; and I went away becauſe I was afraid to ſtop.

GUILTY (Aged 49.)

Confined ſix months in the Houſe of Correction, Privately whipped, and diſcharged.

Tried by the firſt Middleſex Jury, before Mr. Baron HOTHAM.

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345. MARY LYNAM was indicted for feloniouſly ſtealing, on the 27th of February, a linen ſhirt value 1s. 6d. and a linen ſhift, value 1s. the property of Thomas Gillet.

Second Count. For feloniouſly ſtealing, on the 8th of March, a linen ſheet, value 3s. the property of the ſaid Thomas.

THOMAS GILLET *ſworn.*—A ſhirt and a ſhift were miſſed, on the 29th of February, from out of the yard, they had been hung up to air, and were not heard of again till the 8th of March, at the pawnbroker's; the priſoner lived in the workhouſe, ſhe was a pauper; I am maſter of the workhouſe, St. George's, Middleſex.

CATHERINE MEAD *ſworn.*—I picked up a paper of duplicates in the kitchen of the workhouſe, the evening that ſhe was detected, I believe it was the 8th or 9th of March; I gave them to the maſter of the workhouſe.

SUSAN JEFF *ſworn.*—I ſaw the priſoner take a ſheet off the line in the yard, on the 8th of March, in the forenoon, I was up ſtairs looking out at the window, I do not know what ſhe did with it, I did not go down ſtairs; the maſter called me down ſtairs, and aſked me if I ſaw any thing of them.

Priſoner. Q. Can you ſay whether the ſheets that were hanging up were ſheets that I had in care, or whether they belonged to the maſter of the workhouſe?—*A.* I do not know.

Court. Q. Do you know whether the priſoner waſhed her own ſheets?—*A.* No, I do not.

Q. *(To Gillet.)* Where there any ſheets there but your's?—*A.* No, there were not; they belonged to the workhouſe, and were marked, the mark is cut out of one of the ſheets.

JAMES BANKS *ſworn.*—I am a pawnbroker, ſervant to Mr. Matthews, in the Minories: The priſoner pawned a ſheet with me for three ſhillings, on the 8th of March laſt, *(produces it)*; ſhe brought it as for herſelf; I am ſure ſhe is the perſon.

Gillet. I am certain to this ſheet, it is marked with a piece of blue worſted ſewed in, denoting the ward that it belongs to.

JAMES THORNE *ſworn.*—I am a pawnbroker, *(produces two ſhifts)*; I took them in on the 27th of February, from the priſoner at the bar, I am ſure ſhe is the perſon; ſhe ſaid her name was Sarah Phillips; ſhe aſked two ſhillings and ſixpence upon them, ſhe ſaid, it was a ſhirt and a ſhift; I did not open them to ſee.

ANN BROWN *ſworn.*—This ſhift belongs to a perſon in the ſame ward that I belong to, I am ſure it is the ſame ſhift; it was rather too ſmall for the woman, and there was a piece put in, in each ſleeve; they were hung out to dry on the 26th.

(Gillet produces the duplicates).

The priſoner did not ſay any thing in her defence.

GUILTY (Aged 35.)

Confined ſix months in the Houſe of Correction, and fined 1s.

Tried by the ſecond Middleſex Jury, before Mr. Baron HOTHAM.

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346. JOSEPH, and MARY-ANN the wife of Joſeph, POUGHER were indicted for that they, on the 21ſt of February, two pieces of falſe and counterfeit milled money and coin, made and counterfeited to the likeneſs of a half-guinea, the ſame not being cut in pieces, unlawfully, and feloniouſly, did put off to Mary the wife of Cornelius Richardſon, at a lower rate than the ſame did import, that is to ſay, for one good half-guinea.

MARY RICHARDSON *ſworn.*—On the 21ſt of February, I bought bad money of the priſoner in her houſe, in Ship-yard, Butcher-row; I went by the deſire of Edward Rogers, the officer.

Q. What bad money did you get?—*A.* Two bad half-guineas for one good one, *(produces them)*; I have had them ever ſince, and three bad ſhillings.

Q. Were both the priſoners there?—*A.* He was not in the ſame room; a friend of mine went with me, and aſked for ſome things, he was in the lower parlour when my friend enquired, and we were called up, and Mrs. Pougher ſerved us.

Q. Had you any converſation with him after you came down?—*A.* Yes; he aſked his wife if ſhe had cautioned us which way we were to go on to paſs the money.

Q. Who was your friend?—*A.* Mrs. Hobbs.

Q. Had

Q. Had you any converſation with the man priſoner before you were called up ſtairs?—*A.* No.

Q. Who was it gave you the bad money?—*A.* Mrs. Pougher; when we came down, he aſked if ſhe had cautioned us; and ſhe ſaid ſhe had; ſhe told us not to go two together when we went to paſs it, and not to have any good money about us to change it.

Croſs-examined by Mr. Knapp. Q. All that the woman did, was under the direction of the man?—*A.* Yes.

Court. Q. She appeared as the wife of the man?—*A.* Yes.

Mr. Knapp. Q. What line of life are you in?—*A.* I work for Mr. Southey, at ſlop-work, in Fenchurch-ſtreet.

Q. Beſides which, you are employed by the runners?—*A.* No, never before.

Q. Were you never tried here?—*A.* No, never.

ANN HOBBS *ſworn.*—I went with the laſt witneſs to Pougher's houſe; Mrs. Pougher and I went up ſtairs, I wanted to buy a little money of her, and I gave a good ſeven-ſhilling-piece for two bad ones; Mrs. Richardſon got two bad half-guineas for a good one.

Q. Did ſhe give you any directions?—*A.* She told us when we went to paſs the money never to have much about us.

Croſs-examined by Mr. Knapp. Q. At the time the money was received the man priſoner was below during the whole of the time?—*A.* Yes.

EDWARD ROGERS *ſworn.*—Q. Do you know any thing, of your own knowledge, of this buſineſs?—*A.* No.

The priſoner, Joſeph Pougher, left his defence to his Counſel, and called two witneſſes, who gave him a good character.

The other priſoner was not put upon her defence.

Joſeph Pougher, GUILTY (Aged 40.)
Mary-Ann Pougher, NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice BULLER.

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347. JOSEPH, and MARY-ANN the wife of Joſeph, POUGHER, were again indicted for that they, on the 21ſt of February, two pieces of falſe and counterfeit milled money, made and counterfeited to the likeneſs of a ſeven-ſhilling-piece, the ſame not being cut in pieces, unlawfully and feloniouſly did put off to Ann Hobbs, at a lower rate than the ſame did import, that is to ſay, for one good ſeven-ſhilling-piece.

ANN HOBBS *ſworn.*—On the 21ſt of February, I went to the priſoner's houſe, and got two ſeven-ſhilling-pieces for one good one.

Q. And you received it before the man aſked if you had received inſtructions?—*A.* Yes. *(Produces them).*

Joſeph Pougher, GUILTY (Aged 40.)
Confined one year in Newgate, and fined 30l.
Mary-Ann Pougher, NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice BULLER.

---

348. GILES BUOY was indicted for feloniouſly ſtealing, on the 30th of March, five yards of linen wrapper, value 3s. and 28 yards of printed calico, value 50s. the property of Jonathan Peele, Lawrence Peele, Joſeph Peele, John Peele, Edmund Peele, and Richard Yates.

JOSEPH PEELE *ſworn.*—I am a calico-printer; *(proves the partnerſhip);* I live at No. 15, King-ſtreet, Cheapſide; I was abſent at the time of the robbery, I only come here to ſwear to the property.

WILLIAM SORRELL *ſworn.*—I am porter to Mr. Peele, of King-ſtreet; the priſoner was alſo porter in Mr. Peele's ſervice; he had got two deliveries of calico prints in a ſheet; on the 30th of March, near one o'clock, the bills were given to him, and likewiſe the ſheet.

Q. Do you mean the linen wrapper?—*A.* Yes. And he had made them faſt; I had alſo three pieces to take; I know he had his faſt, it contained twenty-eight yards of printed calico; I ſaw him carry them out of the houſe, and in about a quarter of an hour after I ſaw him in Smithfield, he had his laſt delivery, he had delivered one; I followed him to Stock and Cooper's, upon Holborn-hill, he came out there, and I took him with another piece upon him he had no bill with; I ſtopped him in Baldwin's place; it was wrapped in a wrapper; I aſked him, what he had got there, and the reply that he made me was, that he was done; I told him, if he would go back with me quietly, I would not call any other aſſiſtance; he went with me to the Old-Jewry, and there we went in and had a pint of beer, and I ſent the waiter for our foreman, and if he was not at home, to tell Mr. Curzons to come; I related the buſineſs to him, and he proceeded to the warehouſe with him and the property as I found it upon him, and it was delivered to the conſtable. When I was going out with my parcels, I ſuſpected him, becauſe as I went out paſt the warehouſe window, I ſaw his wrapper undone again, and his head go from one of the piles in the warehouſe; and I went back with my goods, and followed him.

Croſs-examined by Mr. Alley. Q. He had two deliveries, and you ſay you found three upon him?—*A.* Yes; two, and the one that he had no account of.

Q. And the reaſon why you ſay he had no account of it, was, that he did not produce a bill of it to you?—*A.* No, he told me firſt, he was done, and then he ſaid, he was going to William Goulding, in

in Portpool-lane, to ask him if he could make any thing of it for him.

Q. You know nothing, of your own knowledge, of this being missed, except that you found the piece upon him?—*A.* I suspected him from seeing his wrapper open again.

Q. Were there no other men in the warehouse?—*A.* There were.

Q. Then for any thing you know, any of them might have opened the wrapper as well as the prisoner?—*A.* I dare say they would not, I cannot take upon me to say that.

Court. *Q.* What was the property you took from him?—*A.* A piece of calico print.

DANIEL CARTWRIGHT *sworn.*—I am a constable; I was sent for to take charge of the prisoner and this piece of calico, *(produces it)*; it was delivered to me by Mr. Joseph Peele, on the 30th of March, about three in the afternoon; I have had it ever since. I heard him say to Mr. Peele, afterwards, that he was going to carry it to Mr. Goulding's, in Portpool-lane, or to some pawnbroker's.

Q. Did Mr. Peele say any thing to induce him to say that, did he use any threat, or make him any promise?—*A.* Not that I heard.

Mr. Peele. This piece of calico is my property, it has our mark upon it, "Peele, Yates, and Co."

Q. Did you look to see if any was missing?—*A.* It was impossible for me to miss it.

Q. You cannot undertake to say, of your own knowledge, whether that was one of the pieces that was to be delivered to you customers?—*A.* I cannot say.

Court. *Q.* Had you a piece of the pattern in your house?—*A.* I cannot say; we had a great many of this pattern in the course of the last year.

Prisoner's defence. I had two deliveries of goods; when I came to deliver them, I found I had got one more by mistake, and I intended to carry it back again.

Court. (To Sorrell.) *Q.* Can you undertake to swear to the wrapper?—*A.* I believe it was the same wrapper, but there is no mark upon it, I cannot swear to it.

The prisoner called six witnesses, who gave him a good character.

GUILTY (Aged 27.)

Transported for seven years.

Tried by the London Jury, before
Mr. RECORDER.

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349. JOSEPH BEECH was indicted for feloniously stealing, on the 10th of March, thirteen pounds weight of black tea, value 40s. thirteen pounds weight of green tea, value 40s. two paper bags, value 2d. and a hempen wrapper, value 6d. the property of John Wallis.

Second Count. Laying them to be the property of Samuel Boonham.

(The case was opened by Mr. Knowlys.)

EBENEZER-SAMUEL OATES *sworn.*—*Examined by Mr. Knowlys.* I am servant to Messrs. Brewster and Gillman, Tea-dealers, in Newgate-street: There was a parcel containing thirteen pounds of black, and thirteen pounds of green tea, first put into a paper bag, and then a hempen wrapper over that, directed to John James, of Hinckley; I directed it myself; it was sent to the George inn, in Smithfield; I did not go with it; I have seen the same package since.

Q. Is 4l. about the value of the package?—*A.* It is; or perhaps more.

JOHN RONSLEY *sworn.*—I am book-keeper to Samuel Boonham's waggon, which inns at Mr. John Wallis's in Smithfield: I received a parcel directed to John James, of Hinckley, Leicestershire, from Brewster and Gillman's porter; the waggon set out on the 8th of March; I received this on the 1st of March, but it came too late for that day's waggon; the prisoner was employed in loading and unloading the waggon.

Q. What time did you last see the parcel?—*A.* I saw it before three in the afternoon of the 8th of March; I have seen it since, but the direction has been taken off; I saw it on the Saturday, when the prisoner was in custody.

Cross-examined by Mr. Alley. *Q.* Is Wallis's name John or James?—*A.* John.

Q. The prisoner was one that was employed to load and unload the waggon?—*A.* Yes.

Q. How many more were employed for the same purpose?—*A.* Two or three more.

Q. You did not know what was in the bundle?—*A.* No, I did not.

Q. The next time you saw it was at Guildhall?—*A.* Yes.

Q. You merely receive the parcels, and book them?—*A.* Yes.

Q. Then the only knowledge you derive is from your books?—*A.* No; I know the porter that brought it.

Mr. Knowlys. *Q.* You only know that the parcel was delivered to you by Brewster and Gillman's porter?—*A.* Yes.

Court. *Q.* Mr. Wallis was not responsible for this, but Mr. Boonham?—*A.* Yes.

JOSEPH WILTSHIRE *sworn.*—*Examined by Mr. Knowlys.* I am servant to Mr. Wallis, at the George inn yard: On Friday night, the 9th of March, about seven o'clock, I saw a parcel hid behind a wool-sack in the yard; the waggon goes of a Thursday.

Q. Did you see what the parcel was?—*A.* No; it was in a hempen wrapper, under an old mat, at the upper end of the yard, near the gateway.

Q. Could it be seen without removing the mat?—*A.* No, it was concealed; I was desired to sit up at night to watch it; the next morning, about five o'clock, I saw the prisoner come and take the wrapper away; it was before the yard was open, and I told Mr. Wallis of it, and he and Mr. Brown went after him.

Cross-examined by Mr. Alley. *Q.* When was it you saw it there first?—*A.* The 9th of March.

Q. How

Q. How long had the waggon been gone?—*A.* A day.

Q. There was abundance of time for any man that had ſtolen it to have taken it away?—*A.* I cannot ſay.

Q. Did you ever, yourſelf, find a bundle, and take it away?—*A.* No.

Q. Had you not curioſity enough to examine what it contained?—*A.* No.

Q. Then you had no means of knowing it again?—*A.* Yes, I knew it when I ſaw it again, becauſe I had marked it.

Q. That was after you had taken it from the priſoner?—*A.* Yes.

Court. Q. Did the bundle, that was brought back by Mr. Wallis and Brown, appear to be the ſame that you had before ſeen in the yard?—*A.* Yes.

Mr. Alley. Q. Do you mean to ſwear that the bundle you afterwards marked, was the bundle that was in the yard?—*A.* Yes, I can ſwear it is the ſame bundle.

RICHARD WILTSHIRE *ſworn.—Examined by Mr. Knowlys.* I am a watchman in Mr. Wallis's yard: On the 9th of March, about nine o'clock at night, the priſoner came out of the tap, he told me he had got an old mat, under the archway, to take home; I ſaid, take it, knowing he was one of my maſter's head ſervants, and we had a pot of beer comfortably together; he ſaid, d——n it, let it be till another time, I will not take it, and he went without it; about half paſt four o'clock in the morning he came up, and aſked if I had ſeen any looſe horſes about, I ſaid, no, he was the firſt man or horſe I had ſeen that morning; he ſaid he muſt take a waggon and horſes to aſſiſt a waggon of my maſter's, that was overſet near Highgate; I ſaid, he muſt have my maſter's leave firſt; he went to call Mr. Brown, the book-keeper, and turned round to the left, and took up the mat, and I let him go out; as ſoon as he was gone out, Joſeph Wiltſhire ſtarted up from under a ſail-cloth, where he lay concealed, and ſaid, d——n me, watch, open the gate, and ſee where the old mat is gone; ſays I, d——n the old mat, what is it good for? ſays he, there is property in it; Joſeph Wiltſhire went after him, and an alarm was given.

Croſs-examined by Mr. Alley. Q. You knew this man to be a very honeſt good fellow, or elſe you would not have permitted him, as an honeſt watchman, to have taken away even an old mat?—*A.* I thought him maſter's head ſervant.

Q. You did not ſee any thing in it, of courſe?—*A.* No, I did not.

Q. And if there had been any thing in it, you would not have permitted him to have gone out with it?—*A.* No; he took it up juſt like a parcel of old rags under his arm.

Q. You ſaw the old mat, but never ſaw any bundle?—*A.* No.

Q. You will not ſay he took any thing away but the old mat?—*A.* No.

JOHN WALLIS *ſworn.—Examined by Mr. Knowlys.* I am proprietor of the George inn: I apprehended the priſoner, about ten or twelve minutes after the alarm was given; I afterwards went with Mr. Brown to his lodgings, a very little diſtance from the yard, and Mr. Brown chucked down the parcel; Wiltſhire had given me information of it on the Friday evening; I went to ſee it, and minutely examined the direction, and the truſs and mat; when I found it again, the direction was gone, but I have no doubt in the world it was the ſame bundle.

THOMAS BROWN *ſworn.—Examined by Mr. Knowlys.* I went with Mr. Wallis to the priſoner's lodgings; I found the truſs up one pair of ſtairs, under the bed. *(The truſs produced.)*

Oates. This is the truſs that I packed and directed.

The priſoner left his defence to his Counſel.

GUILTY (Aged 30.)

Tranſported for ſeven years.

Tried by the London Jury, before Mr. RECORDER.

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350. MARY BROWN, otherwiſe BASS, was indicted for feloniouſly ſtealing, on the 11th of October, a woollen blanket, value 2s. a linen ſheet, value 3s. a feather pillow, value 1s. 3d. a linen pillow-caſe, value 6d. and three flat-irons, value 3s. the property of John Jones, in a lodging-room.

ELIZABETH JONES *ſworn.*—I am the wife of John Jones: I let out lodgings; my huſband is coachman to a gentleman in the country.

Q. Did you let theſe lodgings with his conſent and approbation?—*A.* Yes; I let a ready-furniſhed lodging to the priſoner at three ſhillings a week; I cannot ſay exactly when I let her the lodgings, it was ſome time laſt ſummer; ſhe lodged with me four or five months; ſhe ran away from me, and left the key with my next door neighbour, who gave me the key; I then miſſed the things in the indictment; they were afterwards found at the pawnbroker's.

(A pawnbroker produced a ſheet and three flat-irons, ſix clouts, a gown, and a pillow, which were depoſed to by the proſecutrix.)

Proſecutrix. There was a man lived with her in the lodgings; they took the lodgings as man and wife.

Q. Who did you make the contract with?—*A.* With her; ſhe took the lodgings, and gave earneſt for it herſelf.

Priſoner's defence. I did not take the lodging, Jeremiah Baſs took the lodging, and gave earneſt for it; I pledged the things, but not with any intention of robbing her of them.

GUILTY (Aged 26.)

Confined ſix months in the Houſe of Correction, privately whipped, and diſcharged.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

The SESSIONS *being ended, the* COURT *proceeded to* GIVE JUDGMENT *as follows:*

Received ſentence of Death—18.

Robert Reeves, David Wilkinſon, Joſeph Adamſon, Matthew Quirk, William Williams, Margaret Thompſon, John Humphries, Auguſtus Seaton, Thomas Clifton, John Abbot, William Marſom, Moſes Knott, Elizabeth Brown, James Gray, William Stinſon, Fordia, alias Forder Shepherd, Thomas Smoakham, Samuel Cooper,

Tranſported for fourteen years—3.

Sarah Seaton, Iſaac Morſe, John Pittman.

Tranſported for ſeven years—21.

Michael M'Cabe, Goſhern Levy, James Thornton, Giles Buoy, Michael Sullivan, William Horribin, Joſeph Beech, James Wood, Henry Griffiths, John Cooper, William Moore, Henry Billing, George Bird, John Chambers, James Sharp, James Cooper, John Davis, James Hindes, Ann Ridley, Thomas Coſe, Thomas Morris,

Confined one year in Newgate, and fined 30l.—1.——Joſeph Pougher.

Confined one year in Newgate, and fined 20l.—2.

William Homan, John Diſney.

Confined one year in Newgate, and publicly whipped.—1.——John Robertſon.

Confined ſix months in Newgate, and fined 1s.—2.

James Shields, Richard Smith.

Confined ſix months in the Houſe of Correction, and publicly whipped.—5.

Thomas Freake, James Roberts, Joſeph Penn, William Griffiths. Joſeph Scott.

Confined ſix months in the Houſe of Correction, and privately whipped—5.

Sarah Lee, William Holding, Mary Brown alias Baſs, Richard Underhill, Margaret Bladon.

Confined ſix months in the Houſe of Correction, and fined 1s.—13.

William Maſon, Mary Lynam, Mary Delahaye, Francis Payne, George Collins, Ann White, Sarah M'Daniel, John Gibbs, Thomas Evans, Mary Mountjoy, John Riſdale, Robert Mitchell, Thomas Rodney,

Confined twelve months, and eighteen months, in the Houſe of Correction—1.——George Hart.

Confined three months in Newgate, and publicly whipped—1.——Jeremiah Francis.

Confined three months in Newgate, and fined 1s.—1.——Benjamin Benjamins.

Privately whipped, and diſcharged—2.

John Thompſon, John Macbride.

Confined one month in Newgate—1.——James Eamer.

Confined a fortnight in Newgate, and Publicly whipped—1.——Thomas Martin.

Fined 1s. *and paſſed*—1.——Mary-Ann Dickſon.

Judgment reſpited to go into the Army or Navy—1.——James Boyd.

The Seſſions were adjourned till Wedneſday, May 23, 1798.

INDEX.

The Figures refer to the Page.

A.

Annis John — 350, 362
Aikin John — 284, 286
Adamſon Joſeph — 329
Abbot John — 337
Adams Martha — 291

B.

Brown Elizabeth — 275
——— Sarah — 320
——— Mary — 377
Batchellor Charles — 291
Bird George — — 350
Barnett Barnett — 286
Bird Charles — 286
Buoy Giles — 380
Beech Joſeph — 381
Baker Aaron — 282
Bladon Margaret — 378
Boyd James — 297
Bailey Sophia — 290
Baſs Mary — 382
Benjamins Benjamin — 292
Billing Henry — 307

C.

Coulthurſt John 351, 354
Chambers John — 350
Champion Hannah 286
Cooper Samuel — 299
——— John — 362
——— James — 306
Collins George — 300
Cole Thomas — 300
Carty Dennis — 349
Caſlin Elizabeth — — 365
Clifton Thomas — 373
Cookſon Robert — 314

D.

Davis Elizabeth — 278
—— John — 312, 313
Dickſon Mary-Ann 313
Delahaye Maria — 299
Dean Thomas — 319
Dawſon Edward — 345
Diſney John — 364
Doe John — 365

E.

Edwards Maria — 289
Evans Thomas — 349
Eamer James — 339

F.

Flowers James 351, 354
Ford Thomas — 281
Freake Thomas — 297
——— George — 306
Francis Jeremiah — 368

G.

Gray James — 341
Gibbs John — 306
Griffiths Henry — 292
——— William — 367

H.

Hall Joſhua — 286
—— Taylor — 286
—— John — 345
Homan William — 378
Hindes James — 312, 313
Herman Sarah — 305
Holding William — 294
Hart George — 345, 346
Horribin William — 369
Humphreys John — 372

J.

Jackſon John — 319
Jones Ann — 365

K.

Knott Moſes — 340

L.

Levy Goſhern — 296
—— Solomon — 286
Lynam Mary — 379
Lambert Martha-Sarah 295
Lee Sarah — 292
Lander James — 370
Lyons Hannah — 373
Lutman John — 314

M.

M'Cabe Michael — 294
M'Coull James — 290
M'Daniel Sarah — 305
Moore William — 304
Martin Thomas — 305
Mountjoy Mary — 339
Macbride John — 339
Morris Thomas — 347
Morſe Iſaac — 347
Mitchell Robert — 363
Marſon William — 310
Maſon William — 349
Molyneux Frederick 344

N.

Nelſon Charles — 291

P.

Pougher Joſeph 379, 380
——— Mary-Ann 379, 380
Page James — 304
Payne Francis — 349
Penn Joſeph — 338
Patterſon Jane — 366
Portſmouth Richard 367
Pittman John — 369
Pybus Edward — 345

Q.

Quirk Matthew — 293

R.

Reading Patrick — 281
Reeves Robert — 331
Ridley Ann — 298
Roberts James — 304
Robertſon John — 293
Riſdale John — 367
Rodney Thomas — 363

S.

Stinſon William — 277
Shepherd Forder 302, 303
Shields James — 295
Smoakham Thomas — 310
Selby John — — 279
Sharp James — 312, 313
Sullivan Michael — 304
Seaton Auguſtus 320, 373
——— Sarah — 320
Smith Richard — 359
Stenſon Thomas — 368
Scott Joſeph — 377

T.

Thornton James — 296
Thompſon John — 301
——— Margaret 360

U.

Underhill Richard — 365

V.

Vintner James — 339

W.

Wilmot Abraham — 279
Wilſon John — 279
White Ann — 300
Watſon Frances — 300
Wood James — 301
Wilkinſon David — 321
Williams William — 337

End of the Fourth Seſſion.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery

FOR THE

CITY OF LONDON,

AND ALSO,

The Gaol Delivery

FOR THE

COUNTY OF MIDDLESEX,

HELD AT

JUSTICE-HALL, IN THE OLD-BAILEY,

On WEDNESDAY, the 23d of MAY, 1798, and the following Days,

BEING THE FIFTH SESSION IN THE MAYORALTY OF

The Right Hon. SIR JOHN WILLIAM ANDERSON, BART.

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

WILLIAM RAMSEY,

AND

Publiſhed by Authority.

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1798.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery

FOR THE

CITY OF LONDON, &c.

BEFORE Sir JOHN WILLIAM ANDERSON, Bart. LORD MAYOR of the CITY of LONDON; Sir NASH GROSE, Knight, one of the Juſtices of His Majeſty's Court of King's-Bench; Sir JOHN WILLIAM ROSE, Knight, Serjeant at Law, Recorder of the ſaid City; JOHN SILVESTER, Eſq. Common-Serjeant at Law of the ſaid City; and others, His Majeſty's Juſtices of Oyer and Terminer of the CITY of LONDON, and Juſtices of Gaol Delivery of NEWGATE, holden for the ſaid City and County of MIDDLESEX.

London Jury.	*Firſt Middleſex Jury.*	*Second Middleſex Jury.*
John Greſham,	James Crompton,	Robert Randall,
Samuel Peyton,	Edward Rymer,	Richard Thomas,
John Halſey,	Dennis Jacob,	Thomas Rowling,
Thomas Huntley,	John Grant,	Iſaac Brown,
Thomas Perrin,	William Hale,	John Thompſon,
Benjamin Rutt,	Cornelius Connell,	William Woodhouſe,
Adam Blackwell,	Francis Briſtow,	Iſaac Kendall,
William Clementſon,	Charles Fourdrinier,	Robert Batterſby,
Robert Nelſon,	Charles Hill,	James Maſters,
Richard Ware,	John Stevenſon,	Richard-Rowley Watkins,
James Hilbird,	Levis Ranſom,	William Paſkall,
John Taylor.	Thomas-Courtney Deveniſh.	Thomas Conway.

351. MARY SMITH was indicted for feloniously ſtealing, on the 13th of May, a ſilk handkerchief, value 2s. a ſilver watch, value 40s. a ſteel chain, value 6d. a metal ſeal, value 2d. a braſs watch-key, value 1d. and 4s. in monies numbered, the property of John Connor, privily from his perſon.

JOHN CONNOR *ſworn.*—I am a plumber: On Sunday, the 13th of this month, about ten o'clock at night, I was robbed in Twiſter's-alley, Bunhill-row; I met the priſoner, ſhe aſked me to treat her with a glaſs of liquor, which I did; I then went with her to her lodgings, and being in liquor I laid down upon the bed, with my cloaths on, and went to ſleep; I awoke next morning about four o'clock, and miſſed my watch, four ſhillings in money, and a ſilk handkerchief off my neck; the priſoner was gone; I waited ſome time but ſhe did not come back; I went to the houſe two or three times but could not find her; I found her the next morning about ten o'clock, at a public-houſe, and ſhe gave the duplicate of the watch to Mrs. Howe, ſhe is not here. I did not ſee her give the duplicate; the conſtable is here, and the pawnbroker.

JOHN GASS *ſworn.*—I am a conſtable: I produce ſome money, and a duplicate that I received from the priſoner, ſeven ſhillings, and three-pence halfpenny, and five farthings; ſhe acknowledged to me that it was part of the money ſhe had pledged the watch for; I did not make her any promiſe of favour.

CHARLES SAVILLE *ſworn.*—I am a pawnbroker, *(produces the watch)*; I had it from the priſoner on Monday the 14th inſtant, between eight and nine in the morning; I know her perſon; the watch is ſilver.

(The watch was depoſed to by the proſecutor, from the maker's name and number).

Priſoner's defence. I met this gentleman between eleven and twelve o'clock, at the corner of Golden-lane, it rained very hard, and he aſked me to take him home to my lodgings, which I did; we went to a public-houſe and had ſome peppermint; he had but one ſhilling and ſixpence in ſilver left, and he wanted to ſleep with me for that, and I ſaid I could not let him ſleep with me for that, and he then deſired me to pawn the watch.

Q. (To Connor.) Did you give her any money?—*A.* No.

Q. Are you ſure of that?—*A.* Yes.

Q. Did you give her the watch?—*A.* No, I did not.

Jury. Q. Where had you the watch?—*A.* In my fob.

NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. RECORDER.

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352. JOHN GRIFFITHS was indicted for that he, on the 27th of April, on the King's highway, upon Benjamin Ward, did make an aſſault, putting him in fear, and taking from his perſon one ſhilling, two ſixpences, and ſix halfpence, the property of the ſaid Benjamin.

BENJAMIN WARD *ſworn.*—I live in Little Moorfields: On Friday the 27th of laſt month, about twelve o'clock at night, I was coming home from Iſlington, through Goſwell-ſtreet, the priſoner at the bar, and another, laid hold of me and threw me down, and took from me all that I had about me, there was one ſhilling, two ſixpences, and three-pennyworth of halfpence; they drew a knife upon me after I was down; as ſoon as I could relieve myſelf I went to the watchman, and gave an alarm; when the alarm was given, the watchman ſaw the priſoner run, and he followed him and took him.

Q. When the watchman took the priſoner, were you ſure he was one of the men that robbed you?—*A.* Yes; he was carried to the watch-houſe, but was not ſearched; the next day, before the Magiſtrate, he was ſearched, and a knife and ſixpence found upon him; the knife was a crooked one.

Q. Were you perfectly ſober at that time?—*A.* Yes.

Q. What ſort of a night was it?—*A.* A moonlight night, as light as day.

Q. How many minutes might paſs while they were robbing you?—*A.* I ſuppoſe not three minutes.

Q. Was it ſo light that you could clearly ſee the faces of the men?—*A.* Yes.

Q. Were you pretty much frightened?—*A.* Yes, I was.

Q. Were there any other people in the ſtreet?—*A.* No.

Q. Did you cry out?—*A.* Yes, I did.

Q. Was the priſoner the man that knocked you down, or was it the other man?—*A.* It was the priſoner.

Q. How long did you ſee the priſoner before he was cloſe to you?—*A.* Scarce two or three hundred yards, they met me both of them.

HENRY MAY *ſworn.*—I am a watchman: On the 27th of April, about a quarter, or twenty minutes paſt twelve, I was ſtanding at my box in Goſwell-

Goſwell-ſtreet, the corner of Old-ſtreet-road, when the alarm was given, by another watchman below me by ſpringing his rattle; upon that, I ſaw a man walking up by the Charterhouſe-wall, and I went and ſtopped him; with that, the proſecutor and the other watchman came up, and the proſecutor looked in the man's face that I had ſtopped, and ſaid, that is not the man. Then I turned round, and ſaw a man run acroſs the road, and go into the Leaping-bar public-houſe; I told the proſecutor he had better go in and ſee if that was the man; he went into the paſſage, and he came out, and ſaid, that is the man, I will take my oath to him; the priſoner had not got into the houſe then, I went in and took him by the collar, and told him he had robbed a man, and he muſt go with me; he ſaid, no, I have not robbed a man; I ſaid, the proſecutor ſays you robbed him, and drew a knife upon him; oh, ſays he, then hang me at once. I took him to the watch-houſe and put him into the cage; the next day I took him to Worſhip-ſtreet.

JOHN ARMSTRONG *ſworn*.—I ſearched the priſoner at the office, and found this knife and a ſixpence; that is all I know of it.

Q. *(To Ward.)* Did you go into this public-houſe that May ſpeaks of?—*A*. I went into the paſſage belonging to the houſe.

Q. How came you not to tell me that before?—*A*. I forgot it.

Q. He drew a knife upon you?—*A*. Yes.

Q. Did you ſee the knife?—*A*. Yes; it was a crooked blade, very much like this, I believe this is the ſame knife; he ſaid, if I did not give him my money he would cut my ſide, and then he took it from me; the other man held me while the priſoner robbed me.

Priſoner's defence. I had been at the Black-horſe all the afternoon, and was very much in liquor, and fell down in Hatfield-ſtreet; I would not go home with my wife, and I fell aſleep in the ſtreet, and ſhe took my hat and carried it home; a man picked me up, and I ſaid I would give him ſomething to drink, and we went to the Leaping-bar.

Q. *(To Ward.)* Did you obſerve whether either of the perſons that robbed you had a hat on?—*A*. The priſoner had no hat.

Priſoner. The proſecutor came to me in Newgate, on Friday, and ſaid, if I would give him a guinea, he would make it up.

Ward. No, he offered me a guinea, and I ſaid, I could not do it.

Jury. Q. Did the priſoner appear to be in liquor at the time of the robbery?—*A*. He did not.

Jury. Q. Why did you come to Newgate to ſee the priſoner?—*A*. I went to ſee another perſon, one Murray, a man that I had known a good while, and I ſaw him accidentally.

Q. What was Murray in Newgate for?—*A*. For a felony. The priſoner's wife came to my houſe five or ſix times, and ſaid ſhe would give me a guinea.

Q. Did you aſk to ſee the priſoner?—*A*. No, I did not.

Priſoner. I was not in the ſame yard, and he could not ſee me till he ſent for me.

Mr. Kirby. If the proſecutor did ſee him, he muſt have ſent for him.

Ward. A friend that was with me ſent for him.

For the Priſoner.

MARGARET SHEPHERD *ſworn*.—I have known the priſoner ſeveral years: On the 27th of April, I ſaw him at the Black-horſe, at paſt eleven o'clock, I went in to get a pint of beer for my ſupper; I left him there; he borrowed ſixpence of me, I gave him ſixpence, and bid him good night; when I went home the chimes played twelve. I ſaw the proſecutor yeſterday, at Hicks's-hall, and ſaid to him, are you come to find a bill againſt Mr. Griffiths, and he ſaid, yes, he had; I ſaid, you promiſed to make it up for a guinea; he ſaid, he did, but we did not attend on him; I told him we did attend on Mr. Wright, where he promiſed to come for the money; he ſaid, if I had come an hour and a half before I did, yeſterday, before he had thrown in the bill, he would have ſettled it.

Q. *(To Ward.)* Is what this woman has ſaid true?—*A*. It is not.

Q. Is no part of it true?—*A*. She came to me yeſterday with another woman, and aſked me to make it up; I told them, I could not do any ſuch thing, I was bound over to proſecute him, and could not; they ſtaid a good while, and I told them it was of no ſervice to ſtop any longer, for I could not do any thing in it. She firſt of all aſked me if my name was Ward.

Q. She ſays ſhe told you, that you promiſed to make it up for a guinea?—*A*. It is no ſuch thing.

Q. Did you ever promiſe to make it up for a guinea?—*A*. No.

Q. Did ſhe tell you any thing about Mr. Wright, the fiſhmonger?—*A*. Mr. Wright, the fiſhmonger, was in Newgate, and offered to make up the money.

WILLIAM HEARNE *ſworn*.—I am a watchman: I was beating twelve o'clock, and when I came back, I found the priſoner ſtone blind drunk in the kennel, it was on a Saturday morning, I do not recollect what day of the month it was, he had no hat on; I aſked him where he lived, and he could not give me a proper anſwer, and we went to Old-ſtreet, and there was a public-houſe, and I was obliged to lead him over, for he could not walk over, it was the Leaping-bar, in Old-ſtreet; and while he was with me in at the Leaping-bar, the proſecutor came up, with May, and another watch-

man,

man, May and the profecutor were both drunk; and they ſaid to me, that that man had been robbed; I aſked him where, and they ſaid, in Bell-alley; I ſaid, that is not in my beat; then the profecutor ſaid, I believe that is the man that robbed me; I told him to look, and be ſure he was the man; for ſays I, the man has been in my company theſe ten minutes; he went to look at the man, he came back again to me, and ſaid, he believed he was the man; then ſays I, you muſt be ſure he is the man; inſtead of looking at the man, he called for a pot of beer, they would not draw any; I ſaid to May, go and take him into cuſtody, and I went upon my beat.

Q. How came you to tell a drunken man to take him in cuſtody?—*A.* Becauſe he was not in my beat, and there was another watchman with him.

Q. *(To May.)* You have heard what Hearne has ſaid, is any part of it true?—*A.* No, it is all falſe, I never drank more than half a pint of beer the whole night, nor the following day.

Q. Was Ward drunk?—*A.* I cannot ſay, he was very much frightened; he appeared very well.

JAMES FROST *ſworn.*—I have known the priſoner many years, he is a watch-finiſher; I was drinking with Mrs. Shepherd; I left the priſoner there at half paſt eleven o'clock, he was very much in liquor.

WILLIAM SMITH *ſworn.*—I never heard any thing bad of him; he is a hard working, induſtrious, honeſt man; and, if he is acquitted, I will take him again to-morrow.

For the Profecution.

JOSEPH WILKES *ſworn.*—I am a conſtable of the night.

Q. Did you ſee May the night of the 27th of April?—*A.* Yes; I went to the watch-houſe about ten o'clock, and I found May on his beat; I ſtopped in the watch-houſe till about half paſt eleven; then, at half paſt eleven, I went round the watch-boxes to ſee that the watchmen were upon their duty, and when I came up Brick-lane, one of the watchmen ſaid, maſter, you are wanted.

Q. Was May drunk or ſober?—*A.* He was ſober.

Q. The priſoner was taken after twelve, was he ſober then?—*A.* He was; and the profecutor was ſober.

NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. Juſtice GROSE.

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353. JAMES MURRAY was indicted for feloniouſly ſtealing, on the 28th of April, a guinea, the property of John Rubery, privily, from his perſon.

JOHN RUBERY *ſworn.*—On the 28th of April in the evening, it might be eleven or twelve o'clock; I was very much in liquor; I met the priſoner in Bunhill-row, and I aſked him to have ſomething to drink, and he ſaid, he did not know whether he could find any body up; he ſaid, they had got the nightmen at the Jack of Newbury; and I went in and aſked for ſome peppermint, and I believe I ſpent to the amount of a ſhilling upon him.

Q. In rum or brandy, or what?—*A.* It might be both, I cannot ſay; I pulled out a guinea, and a half guinea, and four ſhillings, and the miſtreſs of the houſe ſaw that I was in liqnor, and ſaid to the priſoner, patrol, you had better take care of him; and I fell aſleep, I believe; at laſt the nightmen and the patrol together waked me; I did not miſs any thing till the lady of the houſe told me I was robbed, and then I miſſed my guinea; ſhe told the priſoner, he was a very bad man, for that he had robbed that poor man (pointing to me), and ſhould be brought to juſtice for it; he denied it, and ſaid, that he had but three or four penny-worth of halfpence in his pocket; then the nightmen collared him, and wrung the guinea out of his hand.

Priſoner. Q. Do not you remember giving me your money in Bunhill-row, amounting to a guinea, and a half-guinea, to take care of?—*A.* I cannot remember a word of it; I do not think I ſhould to a ſtrange man.

DANIEL THOMPSON *ſworn.*—I was coming out with a tub of ſtuff; he was very much in liquor, and I ſet him up againſt the wall; the priſoner is a patrol; Mrs. Hoare came out, and inſiſted upon his being ſearched; my fellow-ſervant and I were, I dare ſay, two or three minutes getting it out of his hand.

GEORGE MITTEY *ſworn.*—I helped the patrol out with the profecutor; and the lady came out, and ſaid, I inſiſt upon your not going away without ſeeing that man ſearched; the patrol put his hand into his right hand pocket, and turned his hand backward, and he had got it clenched in his hand; the landlady of the houſe has got it.

Priſoner's defence. The property was delivered into my hand, a guinea and a half, and four ſhillings; and going to this houſe, the Jack of Newbury, the profecutor deſired his money again, and I gave it him; and when he paid for his liquor, he put it all upon the bar, before the landlady.

The priſoner called ſix witneſſes, who gave him a good character. NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. Juſtice GROSE.

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354. RICHARD PHILLIPS was indicted for feloniouſly ſtealing, on the 26th of April, an ingot of gold, of the weight of 2 oz. 3 dwts. value 8l.

81. the property of Charles Aldridge, the elder, in an out-houſe belonging to his dwelling-houſe.

(Charles Aldridge, ſen. proved the ſituation of the premiſes, in Alderſgate-ſtreet.)

WILLIAM ALDRIDGE *ſworn.*—I am the ſon of Mr. Aldridge: I live at the flatting-mills.

Q. Do you know the priſoner?—*A.* I know him by coming to the mills; he uſed to bring ſilver to be flatted.

Q. What do you know of this gold?—*A.* On Thurſday, the 26th of April, I kneeled it, that is, making it red hot; I laid it on the anvil; after that John White made a ſkillet of ſilver red hot, and puſhed the gold off the anvil, to hammer the ſilver; I picked it up, and put it on the anvil again; I went down to the houſe to tea, and left it on the anvil; the priſoner was there at the time, that is all I know about it; the man ſent down ſtairs to me to know where the gold was; I went up, and miſſed it; that was about twenty minutes after I had left it; I ſhall know the gold when it is produced.

JOHN WHITE *ſworn.*—I work with Mr. Aldridge in the flatting-mills: In about twenty minutes, or half an hour after the priſoner was gone, I miſſed the gold; he was there when I moved it off the anvil; a ſhort time after, we went to run it again, and miſſed it; we looked about the mill for ſome time, and then we ſent off to the priſoner's maſter; there was nobody elſe there but him, while the gold was there; he came back in about an hour after I miſſed it, and he was ſent to the Compter. I ſhall know the gold when I ſee it.

Q. Is this mill an out-houſe?—*A.* Yes, it is.

Q. Is it connected with the dwelling-houſe?—*A.* Yes; by adjoining walls.

——— EBSWORTH *ſworn.*—I am a porter to a Fire-office, and a conſtable: About nine o'clock on Thurſday, the 26th of April, I was ſent for, and apprehended the priſoner; I ſaid, my friend, you muſt go along with me; I took him to Gilt-ſpur-ſtreet Compter; when I was going to put him in, when I got to the door, he ſaid, dear, dear, why you are not going to put me in here; yes, I ſaid, I am till to-morrow; ſays he, if you will take a walk along with me a little farther, inſtead of knocking at the door, I will talk to you; he took me to his maſter's houſe at Iſlington; I went backward with him to the privy, and he pulled out this piece of gold, which he gave me.

HENRY ALDRIDGE *ſworn.*—I was at my brother's the evening the priſoner was brought back; I know nothing of it, but giving charge of him.

ISAAC MACKIE *ſworn.*—I manage the affairs of Mr. Charles Aldridge in his abſence: On Thurſday, the 26th of April, Mr. Aldridge went out of town; I was at home about ſix o'clock; I was informed they had miſſed a piece of gold from the mill; I immediately went up, and they ſhewed me the place it was loſt from; I ſuſpected the priſoner, and I went up to Iſlington immediately, where he lives; and I ſent a conſtable to ſearch him, but could not find any thing of it; he ſtrongly denied it for a long time; at laſt the conſtable went with him to his maſter's, and found it.

William Aldridge. I am ſure this is the piece of gold; I know it by the marks running crooked.

Jury. Q. Is not that very common?—*A.* Not always. I am ſure this is the ſame piece.

John White. This is the ſame piece of gold that I miſſed from the anvil; there are very few that run their gold ſo wide as we do for the gold-beaters; I know it by the ſhape of it, and the width of it; it is run crooked, and I know it by the flux of it, which is this black that is worked into it.

Q. What may be the value of it?—*A.* Eight pounds.

Priſoner's defence. I was promiſed to be forgiven if I gave the property up; they ſaid they would not hurt a hair of my head.

The priſoner called his maſter, and three other witneſſes, who gave him an excellent character.

GUILTY Death. (Aged 17.)

The proſecutor recommended him to mercy, on account of his youth.

Tried by the London Jury, before
Mr. RECORDER.

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355. JOHN WILLIAMS was indicted for feloniouſly ſtealing, on the 6th of March, fourteen gallons of pickled olives, value 5l. and a wooden caſk, value 6d. the property of George Allen Alwin and Thomas Chapman.

Second Count. Laying it to be the property of Andrew Johnſon.

Third Count. Laying it to be the property of certain perſons to the Jurors unknown.

(The caſe was opened by Mr. Alley.)

JOSEPH FLETCHER *ſworn.*—I am ſervant to the proſecutors, Meſſrs. Alwin and Chapman; I do not know their Chriſtian names; on the 6th of March I met the priſoner in Thames-ſtreet.

Q. Were the proſecutors, at that time, removing any olives from the quays?—*A.* Yes. When I met the priſoner, he had a half-barrel of olives; he was reſting his half-barrel upon the Cuſtom-houſe window; he was as far as I could ſee him; I was behind all the reſt of the men walking in rotation.

Q. How many men were there?—*A.* Four, with cheſts of oil.

Q. What diſtance were you from him?—*A.* Not a hundred yards.

Q. Was it day-light?—*A.* It was the middle of the day, or thereabouts.

Q. Are

Q. Are you perfectly ſure it was the priſoner that you ſaw?—*A.* Yes; a man that I did not know was lifting a half-barrel of olives from the Cuſtom-houſe window on to the priſoner's back.

Q. Was it the ſame half-barrel that you had ſeen before?—*A.* Yes; I told him if he did not take the olives up in a better manner he would not carry many more olives from the quays; he had his hat in one hand, and appeared to be in a great ſweat.

Q. Did you hear any particular obſervations made uſe of to the priſoner?—*A.* No, not particularly; he ſaid, he would get on as well as he could, and ſee if he could not carry it to the warehouſe.

Croſs-examined by Mr. Knapp. Q. Did you ever know the priſoner at the bar before this tranſaction?—*A.* No; I have not been uſed to work on the quays.

Q. He ſeemed to have a half-barrel of olives that he ſaid he was taking to the warehouſe—what warehouſe do you ſuppoſe he was going to take them to?—

(Mr. Alley objected to the queſtion).

Court. Q. Did any thing paſs to induce you to underſtand what warehouſe he was going to take it to?—*A.* Meſſrs. Alwin's and Chapman's.

Mr. Alley. Q. Did he or did he not take it to the warehouſe?—*A.* He certainly did not.

ROBERT BREWSTER *ſworn.—Examined by Mr. Alley.* I am a ſoldier belonging to the ſecond regiment of Foot Guards: I was employed by the proſecutors, in March laſt, to fetch olives off the quays, and take them to the warehouſe.

Q. Do you recollect, on the 6th of March, meeting the priſoner any where?—*A.* Yes, ſome time in the afternoon.

Q. Was it day-light?—*A.* Yes; it was before four o'clock, within twenty yards from the Cuſtom-houſe quays, in Thames-ſtreet; he had a half-barrel of olives upon his left ſhoulder, and his hat in his right hand.

Q. Did any converſation take place between you and him?—*A.* No; I heard a man behind me ſpeak to him, but I cannot tell what he ſaid.

Q. Do you know whether the priſoner was employed by your maſter that day?—*A.* I cannot tell.

Q. This was the 6th of March?—*A.* Yes.

Q. When did you ſee him afterwards?—*A.* On the 8th of April; when he was apprehended, the priſoner ſaid, well, if I muſt go to Mr. Alwin's and Chapman's, I will go; I do not recoilect any thing elſe that he ſaid.

Croſs-examined by Mr. Knapp. Q He might be employed by the proſecutors for any thing you know to the contrary?—*A.* I cannot ſay.

JOSEPH PRANDET *ſworn.*—I am warehouſeman to the proſecutors.

Q. Do you recollect any thing being loſt out of a ſhip laden with olives?—*A.* There were ſome olives loſt off the quays.

Croſs-examined by Mr. Knapp. Q. The ſhip was unloading?—*A.* Yes.

Q. Meſſrs. Alwin and Chapman had not warehouſed them?—*A.* That one half-barrel had not been warehouſed.

Q. During the time it was upon the quays it was the property of the merchant?—*A.* Yes.

Q. And what is his name?—*A.* Andrew Johnſon.

Q. Do you know that that particular barrel of olives is his property more than any other?—*A.* I cannot ſay, I never ſaw it.

Q. Are you cunning enough to ſwear to one barrel of olives from another?—*A.* Yes, from the marks.

Q. When did you ſee the marks?—*A.* All the others were marked.

Mr. Alley. Q. Do not you know that Meſſrs. Alwin and Chapman, as the brokers, and agents to Mr. Johnſon, pay the duties at the Cuſtom-houſe?—*A.* I do not know.

Court. Q. Meſſrs. Alwin and Chapman are warehouſemen?—*A.* Yes.

Q. Then they are anſwerable for them while they are upon the wharf?—*A.* They are, if they are not put on watch.

Mr. Alley. Q. Are they not anſwerable for them from the time that they have paid the duty?—*A.* Yes.

JOHN HULL *ſworn.*—I am a labourer for the proſecutors: On the 6th of March I was moving olives, and I ſaw the priſoner on that day with a half-barrel upon his ſhoulder, at the end of the Cuſtom-houſe quay; I ſaid to him, what you are going on with your load, but I think it is rather too much for you; ſays he, I have got enough of it; he made no other reply.

Q. Was he employed that day to work for the proſecutors?—*A.* I do not know.

Q. Was it the ſame ſort of barrel as thoſe that were in the ſhip?—*A.* Yes.

Croſs-examined by Mr. Knapp. Q. He ſaid he had got enough of it becauſe the weight was enough for anybody to carry?—*A.* Yes.

Q. You do not know that he was not employed by the proſecutor that day?—*A.* No.

JOSEPH BELASCO *ſworn.—Examined by Mr. Alley.* Q. Do you know the priſoner at the bar?—*A.* I never ſaw him before that day; I ſaw him in Duke's-place, ſhewing ſome olives in a bottle as a ſample, I think about nine or ten weeks ago.

Q. Did you treat with him yourſelf about the olives?—*A.* He told me he had fourteen gallons of them; he aſked me eighteen-pence a gallon; I told

told him I would go and look at them; he took me to the Magpye, in Alderſgate-ſtreet, and I bought them, I gave him a guinea for the half-barrel.

Q. You took them home?—*A.* Yes; he put them into a coach, and I went home with them.

Q. Does he live in that public-houſe?—*A.* No.

Q. Did you ſee any more olives there but that half-barrel?—*A.* No.

Q. What are you?—*A.* A dealer in fiſh, and damaged pickles.

Q. Were theſe damaged pickles?—*A.* I do not know, I ſold them for three ſhilling and four-pence a gallon; I ſold the caſk for nine-pence.

Croſs-examined by Mr. Knapp. Q. So, my friend, I make you out to be a pickle—had you any knowledge of the priſoner at all before this tranſaction?—*A.* I never ſaw him before.

Q. And where may you have the happineſs to live—in Duke's-place?—*A.* I ſell things there, different ſorts of things that I can get a ſhilling by.

Q. Honeſtly if you can—but if not, what then?—*A.* I do not underſtand olives.

Q. Duke's-place is pretty much frequented, is it not, by perſons of your fraternity?—*A.* I do not know particularly, I cannot anſwer that; I have bought them as good for nine-pence a gallon before now, in the wholeſale warehouſes.

Q. Then there is nothing to lead you to recollect this circumſtance more than any other?—*A.* I thought I would do the moſt I could.

Q. Can you inform my Lord of any other purchaſe of damaged pickles on any other day?—*A.* No.

Q. You never ſaw the priſoner before that day?—*A.* No; I have bought pickles of Mr. Lambert of Ludgate-hill.

Q. Have you never bought pickles of any other perſons that came into the market of Duke's-place?—*A.* No, not in Duke's-place.

Q. Do you mean to ſwear that?—*A.* Yes.

Q. What do you think of Houndſditch?—*A.* No, I never did.

GEORGE-ALLEN ALWIN *ſworn.*—I am in partnerſhip with Thomas Chapman, we are merchants' agents, and coopers: We had the unlading of part of a ſhip of olives, conſigned to Andrew Johnſon; the moment they paſs the King's beam they become our property; as ſoon as they are landed by the officer they are delivered into our charge, and become our property.

Q. Do you know the priſoner at the bar?—*A.* I do.

Q. Do you recollect, after the priſoner was apprehended, having any converſation with him?—*A.* Yes.

Q. Did you hold out any inducement to him to confeſs himſelf guilty, or any threat?—*A.* No, I did not.

Mr. Knapp. Q. What was communicated to you by the priſoner was communicated by you to the Magiſtrate?—*A.* Yes.

Q. And was not that taken down in writing?—I cannot ſay whether it was or not.

Q. Did that or not form a part of the examination?—*A.* I cannot ſay.

Q. Will you ſwear it did not?—*A.* It is impoſſible.

Q. Previous to the converſation you are about to relate, what did you ſay to the priſoner at the bar?—*A.* He ſaid he was brought up by one of the people, he did not know what for. I aſked the man in the interim, whether he had been for an officer.

Q. Did the priſoner hear that?—*A.* It is moſt likely he muſt.

Mr. Knapp contended that deſiring an officer to be ſent for, ought to be conſtrued into a threat, and that therefore evidence ought not to be given of what was ſaid by the priſoner after.

Court. Merely ſending for a conſtable is a regular part of the buſineſs, and if that was to be the caſe, no converſation, after a proſecution was commenced, could be given in evidence.

Mr. Alley. Q. Was any body preſent at the time of the converſation but you and the priſoner?—*A.* Yes, Mr. Prandit, the warehouſeman.

Q. Now relate the converſation?—*A.* He ſaid, he could not tell what it could be for, unleſs it was for a half barrel of olives he took from the Cuſtom quay, put into a cart, and then upon his back.

Q. Were there any other olives upon the Cuſtom-houſe quay at that time, but your own?—*A.* No other in the river.

Q. Did he ſay any thing elſe to you?—*A.* He ſaid, when he had it on his back, he attempted to proceed to our warehouſe, he was ſtopped in Thames-ſtreet by ſome carts, and was under the neceſſity of going up one of the lanes, he thought, Harp-lane, and in coming acroſs one of the croſs lanes, he met with an accident, the barrel fell from his back, and being a poor man, and fearful of the damage, he ran away and left it; and he repeated it over ſeveral times.

Q. Did you ever ſee any of the olives you had loſt afterwards?—*A.* No.

Q. Do you know of your own knowledge whether the priſoner at the bar was employed by you?—*A.* Not that I know.

Croſs-examined by Mr. Knapp. Q. Has Mr. Johnſon any partner?—*A.* No.

Q. Whether the priſoner was employed by any body elſe under you, you cannot tell?—*A.* No.

Q. You cannot undertake to ſwear, of your own knowledge, that you have had any loſs?—*A.* The quantity was landed right with the lighter bill.

Q. Is the lighter bill here?—*A.* No, it is not.

Mr. Alley.

Mr. Alley. Q. *(To Prandit.)* Do you know, of your own knowledge, that there was any loſs?—*A.* Yes, half a barrel.

Q. Was the priſoner employed for your maſter that day?—*A.* No.

Mr. Knapp. Q. What other warehouſemen have you?—*A.* White and Hull.

Q. And White is not here?—*A.* No.

Q. Then you will not undertake to ſwear that White did not employ the priſoner that very day for that very buſineſs?—*A.* No.

Mr. Alley. Q. Was it your buſineſs, or White's, to employ the men?—*A* Mine.

Priſoner's defence. I know nothing at all about it.

The priſoner called three witneſſes, who had known him upwards of twenty years, and gave him a good character. NOT GUILTY.

Tried by the London Jury, before
Mr. RECORDER.

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356. THOMAS SMITH was indicted for feloniouſly ſtealing, on the 7th of May, four live tame hens, value 1s. 6d. a live tame cock, value 6d. a hempen bag, value 6d. and a hand-ſaw, value 6d. the property of William Walker.

WILLIAM WALKER *ſworn.*—I am a green-grocer, in Mile-End Old Town: I loſt four tame hens, a tame cock, a hempen bag, and a hand-ſaw, on Monday, the 7th of this month, from the yard behind my houſe. I was going out early on Tueſday morning, and found my back door open. I ſaw them afterwards at the Police-Office, Lambeth-ſtreet.

RICHARD PERRY *ſworn.*—I am an officer; I ſtopped him on Monday night, the 7th of May, at near 12 o'clock, with this bag, a ſaw, four hens and a cock, at Whitechapel, very near a mile from the proſecutor's houſe; I ſtopped him, aſked him what he had got there, he ſaid, he had nothing but his own property; and I took him to the watch-houſe. The fowls appeared as if they had been juſt killed, they were warm. The next morning the property was advertiſed, and on Friday, the proſecutor came forward, and ſwore to them before the Magiſtrate. *(Produces the bag and the ſaw).*

Walker. I knew the fowls to be mine by the marks; there were two white hens, two ſpeckled hens, and a pye coloured cock. This ſaw is mine, I know it by wanting a ſcrew in the handle; and the bag is marked W.

Priſoner's defence. I was coming from Romford, about twelve o'clock at night, paſt Mr. Walker's houſe, and the fowls, the bag, and the ſaw, were thrown at me by ſomebody, I do not know who.

GUILTY.

Confined twelve months in the Houſe of Correction, publicly whipped, and diſcharged.

Tried by the firſt Middleſex Jury, before
Mr. RECORDER.

357. SOLOMON LEVY was indicted for that he, on the 4th of April, thirteen pieces of falſe and counterfeit milled money, made and counterfeited to the likeneſs of a good ſhilling, the ſame not being cut in pieces, did put off to one Stephen Edlin, at a lower rate and value than the ſame by their denomination did import, that is to ſay, for ſix ſhillings.

No evidence being offered on the part of the proſecution, the priſoner was

ACQUITTED.

Tried by the London Jury, before
Mr. RECORDER.

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358. MARY WYER was indicted for feloniouſly ſtealing, on the 27th of March, a linen ſheet, value 4s. the property of William Cordy.

JOHN CAYENNE *ſworn.*—I am ſervant to Mr. Cordy, pawnbroker: On the 27th of March, the priſoner came into the ſhop to pledge a bed-gown and hoſe; in the mean while a perſon came in to look at ſome ſheets; I ſhewed the ſheets, and none of them ſuited the perſon; the priſoner was ſerved, and went away; in about half an hour afterwards a young man from Mr. Briggs's, a pawnbroker, in St. John's-ſtreet, came to know if we had loſt any ſheets; I went down with him, and he had the priſoner in his cuſtody; I looked at the ticket, and knew it to be our's.

SAMUEL WOODHOUSE *ſworn.*—*(Produces the ſheet.)* I live with Mr. Briggs, pawnbroker, in St. John-ſtreet: The priſoner brought it to pledge with me on the 27th of March, between ten and eleven in the morning; ſhe ſaid it was her own, and as I was examining it, I obſerved a ticket pinned on the corner of it, and ſaw that it was Mr. Cordy's; upon that I went to Mr. Cordy's to enquire if they had loſt a ſheet; I have had it ever ſince.

Cayenne. This ſheet is Mr. Cordy's property, the time is out; I am ſure it was on the counter at the time the priſoner was in the ſhop.

Priſoner's defence. I was in Mr. Cordy's ſhop, it was lying there; I did not know who might have dropped it, or elſe I ſhould not have taken it.

GUILTY (Aged 23.)

Privately whipped and diſcharged.

Tried by the London Jury, before
Mr. RECORDER.

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359. EDWARD WRIGHT was indicted for feloniouſly ſtealing, on the 17th of May, two pennant pocket-knives, value 1s. 6d. the property of Gabriel Aughtie.

GABRIEL AUGHGIE *ſworn.*—I am a hardware-man: Laſt Thurſday evening the priſoner at the bar came into my ſhop, the corner of Friday-ſtreet, and aſked me if I ſold plated buckles; there was a

parcel

parcel of deſert-knives upon the counter; he had a bag upon his ſhoulder, which he threw over this little parcel; I ſuſpected he wanted to ſteal them; he ſaw me looking at him, he took his hand off, and ſaid I might ſell buckles another time; he went away, and I followed him; he croſſed the way to another ſhop that I have within two doors of Milk-ſtreet; he was then ſtooping down, and examining a tea board that I had hanging within the door; he then got up, and came to the door; he returned again, and there was a drawer of pen-knives on the counter; he laid his hand over that drawer, in the ſame manner that he had done over the deſert-knives, and then came out of the ſhop; as ſoon as he came out, I took hold of him, and took him in doors, and aſked him what he had taken; he gave me no anſwer, but ſlipped his left hand down by the ſide of him, which I immediately caught hold of, and took the two knives out of his hand, and ſent for a conſtable immediately; the conſtable has them; they are pennant pocket-knives.

William Shepherd, the conſtable, produced the property, which was depoſed to by Mr. Aughtie.

Priſoner's defence. I am a poor diſtreſſed fellow, I have no friends, I am obliged to pay a ſhilling a night for my lodging, and where am I to get it.

GUILTY (Aged 74.)

Confined three years in Newgate, publicly whipped, and diſcharged.

Tried by the London Jury, before Mr. RECORDER.

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360. LAWRENCE WILLIAMSON was indicted for feloniouſly ſtealing, on the 15th of May, two ſilk cloaks, value 3l. a muſlin gown, value 20s. a piece of cotton, value 20s. a linen ſheet, value 5s. a pair of nankeen breeches, value 10s. and a pair of cotton drawers, value 2s. the property of William Freeland, in his dwelling-houſe.

WILLIAM FREELAND *ſworn.*—I keep the King's Arms, Wapping High-ſtreet: Laſt Tueſday was a week I was at Graveſend, and my wife ill in bed, when the things were taken.

SARAH GERMAINE *ſworn.*—I live at No. 4, Crown-court: Mr. Freeland lives at the corner next door but one; I ſaw the priſoner at Mr. Freeland's houſe the evening before the robbery; and on the Tueſday evening I was going to Mr. Brookes's, in Eaſt-Smithfield, for ſome leather to bind ſhoes, and I ſaw the priſoner in Eaſt-Smithfield, counting money in the ſtreet, a good ſtep from Mr. Freeland's; he had this bundle ſlung upon his arm; I aſked him if he did not lodge at Mr. Freeland's; he ſaid, no, he did not lodge there, but he knew Mr. Freeland very well; I aſked him if he would not go with me to Mr. Freeland's, for they had been robbed; I had heard ſo about half an hour before; I was next to the wall then; and he was next to the pavement; I went to the other ſide of him; I laid hold of his jacket, and then he puſhed me in the ſide, and run away.

Q. How came you to take hold of his jacket?—*A.* They ſaid it was him that had robbed Mr. Freeland; I called out for aſſiſtance, and nobody would aſſiſt me, and then a butcher's boy ſtopped him, but who the boy was I do not know; then I got hold of him, and he went with me to Mr. Freeland's houſe; then the officer took him in cuſtody.

Q. He was ſtrong enough to have puſhed you away, was not he?—*A.* Yes, but he did not do it.

Q. What became of the bundle?—*A.* He carried it on his arm till he came to the office at Mr. Freeland's houſe, and then he dropped it at Mr. Freeland's door, outſide, the officer took it up; I have had it ever ſince. *(Produces it).*

Q. Did he ſay how he came by the things?—*A.* I did not hear him.

CATHERINE NORMAN *ſworn.*—Yeſterday ſe'nnight, in the evening, I was ſtanding at the public-houſe door, in Eaſt-Smithfield, where I had ordered a pint of beer; the priſoner came up to me, and aſked me if I wiſhed to have part of a pint of beer with him, he had a bundle in his hand; he ſat down in the tap-room, and untied the bundle, and ſaid, he wiſhed to diſpoſe of them; he ſaid, the woman that he had had on board of ſhip had left him, and had left the *kit* behind; he ſaid, they ſtood him in eleven pounds, and he meant to ſell them as ſoon as he could, and he ſold ſome of them in the tap-room; he aſked me if I would buy a piece of cotton of him for a gown; I told him I had not money; and then he ſaid, would I be ſo good as pawn it for him, and I pawned it in the Minories.

(John Shepherd, ſervant to Mr. Windſor a pawnbroker, produces a gown-piece).

Mrs. Norman. This is the ſame piece of cotton that I pawned at Mr. Windſor's; I had it from the priſoner.

Q. (To Shepherd.) What is the value of that piece of cotton?—*A.* About two ſhillings and threepence a yard, there are eight yards of it; I lent twelve ſhillings upon it.

Priſoner. She ran away with it from me.

Proſecutor. I left the priſoner in the houſe myſelf that day, Tueſday, about two o'clock, he ſlept on Sunday-night, and Monday-night, in my houſe; I did not miſs any of the things.

Q. Look at the two cloaks?—*A.* They are my wife's; I have brought a piece of lace to match it, *(produces it)*; this pair of nankeen breeches and drawers I had pulled off that morning, and left them in the back room up ſtairs.

Q. What

Q. What are they worth?—*A.* Six or ſeven ſhillings; this muſlin gown I know to be mine, I have got a piece of the fellow of it; and this ſheet is mine.

—— BRUNDELL *ſworn.*—I am a tide-waiter, in the Exciſe: The priſoner came into the Blue-anchor, where I was, offering things for ſale; I aſked him what he would have for that cloak; he aſked me fifteen ſhillings; I gave him twelve ſhillings, and ſpent two pots of ale in the houſe.

Freeland. This is my cloak.

ROBERT ALLEN *ſworn.*—I was ſitting at the Blue-anchor when the priſoner came in; I bought a ſheet of him, I gave him five ſhillings for it.

JOHN SMITH *ſworn.*—The priſoner came into the Blue-anchor, and I bought this gown of him for eight ſhillings.

JAMES SMITH *ſworn.*—I live at Mr. Morris's, a pawnbroker: On the 15th of this month, Mr. Griffiths and Mr. Nowland came to our houſe to enquire if any thing was pawned by the priſoner; I cannot ſwear to the priſoner; but there was a cloak pledged for half-a-crown, which Mr. Freeland owned.

Priſoner's defence. I was very groggy; the things were given to me to diſpoſe of.

GUILTY (Aged 30).

Of ſtealing to the value of 39s.

Confined ſix months in the Houſe of Correction, and fined 1s.

Tried by the firſt Middleſex Jury, before Mr. Juſtice GROSE.

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361. MARY MASON and ANN DAVIES were indicted for breaking and entering the dwelling-houſe of Ann Beaford, about the hour of twelve in the night of the 24th of April, with intent the goods in the ſaid dwelling-houſe to ſteal, and burglariouſly ſtealing a ſilver watch, value 40s. the property of William Wells.

ANN BEAFORD *ſworn.*—William Wells lodged in my houſe, at the time of the robbery, in the one pair of ſtairs back room: On Tueſday the 24th of April, between 11 and 12 o'clock at night, I laid in the back-parlour behind the ſhop, I heard a great noiſe, I went up ſtairs into Mary Maſon's room, up one pair of ſtairs, ſhe lodged in my houſe, and there was Mary Maſon and two men, and another woman, there was a man lying acroſs Mary Maſon's bed; I told them I would not have ſuch a noiſe in the houſe, and they ſhould go out of the houſe that night; Ann Davis did not belong to the houſe; they all came in together, the ſtreet-door was wrenched open, the lock was forced from the ſtaple; I went up ſtairs, as I told you before; upon that, Mary Maſon ſaid, that man was going to ſleep there with her, and he ſhould not go; I went down ſtairs and met another man coming up, and I begged of him to make peace, for I could not; then, directly, a noiſe began with a hammer, and driving the door open; upon this, William Wells, he lodged in the room even with Mary Maſon; I went to call aſſiſtance, the watchman was at the door, and I could not get him to come in.

Croſs-examined by Mr. Alley. Q. You keep a houſe in which a number of people lodge?—*A.* Wells, and the priſoner Maſon, and a woman of the name of Harold.

Q. Was not the door that was broke open a door that ſhe had a right to break open to get to her bed?—*A.* Yes.

Q. You went up ſtairs and found a diſturbance in her room?—*A.* Yes.

Q. It was not a thing unuſual for a man to come and ſleep there with her?—*A.* She has told me ſhe would.

Q. Do not you know that you gave permiſſion for this woman to bring in anybody ſhe pleaſed?—*A.* I have given her warning ſeveral times.

Q. The proſecutor, Wells, had a woman in the room with him of the name of Harold?—*A.* Yes.

Q. Did not they ſay their object was to get this woman, Harold, from Wells, for, that one of thoſe men ſhe had lived with before, and was with child by?—*A.* No.

Q. Are you the miſtreſs of the houſe yourſelf?—*A.* Yes.

Q. Are you married?—*A.* Yes.

WILLIAM WELLS *ſworn.*—I lodge at Mrs. Beaford's: On the 24th of April, about ten minutes after ten o'clock, Elizabeth Harold took the watch out of my pocket, and hung it up by the bed, we both went to bed together, and ſhe double-locked the door; between eleven and twelve o'clock I heard a noiſe, there was a door knocked with a hammer, and three men, and the two priſoners, came in.

Q. Did you know the men?—*A.* Yes, one was named Aſtbury, and the other Martin; they came into the room with a candle, and began to curſe the girl that was in bed with me, and one of the men ſtruck her; I got up in the bed and aſked what was the matter; upon that, Ann Davis jumped at me, ſtruck me, and then aſked the girl if ſhe was not aſhamed of herſelf to be in bed with a man of my colour, *(the witneſs was a Creole)*; upon that, this man ſeized me immediately, and tore my new ſhirt violently, and ſtruck me moſt cruelly about the eyes; they ſaid, d—n you, why do not you kill the black b——r; they made at me with a piece of a bedſtead, the candle was knocked out, and I felt for my watch at the head of the bed, and the watch was gone; I ſaid, are not you aſhamed to rob me in my own aparments, and try to take my life;

life; upon that, Elizabeth Harold made the beſt of her way in her ſhift, with her petticoat in her hand, and her gown, and put them on in the back yard; then they ſaid, let us throw the black b——r out at the window; they lifted me to the edge of the window, and I made a ſpring from them, I had then but half a ſhirt on; ſays Ann Davies, bring a light, and let us ſee how pretty the black b——r looks.

Q. Do you know any thing more about the watch?—*A.* Nothing more than theſe two women were neareſt to it when the light was ſtruck out; I miſſed it directly.

Q. What was your watch worth?—*A.* I gave four pounds ten for it; I have never found my watch ſince. The next morning I had them taken up.

Q. Did you ſearch their lodgings?—*A.* No; the officer did that.

Croſs examined by Mr. Alley. Q. You lived in theſe lodgings with Mrs. Harold?—*A.* Yes.

Q. I believe ſhe had lived with one of thoſe two men that came into your room?—*A.* No.

Q. How long has ſhe lived with you?—*A.* Ever ſince I have been from ſea, except the firſt week.

Q. Are you a married man?—*A.* No, I am not.

Q. Did not theſe men abuſe her as you ſay, and was not the cauſe of their abuſing the woman, becauſe ſhe had gone to live with you a black man, and had deſerted one of them?—*A.* No, they did not.

Q. Did you not ſtate that at the office, to the Magiſtrate?—*A.* No, I never knew ſhe kept company with the man in my life.

Q. Have you never ſaid ſo?—*A.* No, I never did, becauſe I could not ſay that that I never ſaw.

Q. Was not Maſon apprehended in her own lodgings the next day?—*A.* Mr. Brown took her.

Q. The other priſoner was taken near the Public-Office?—*A.* Yes.

Q. Was ſhe not there for the purpoſe of exhibiting a complaint againſt you for the aſſault ſhe alledged you had committed againſt her?—*A.* I was in at Mr. Staples's office at the time, and I do not know rightly whereabouts they took her.

Q. You miſſed your watch at the time the candle was gone out?—*A.* Yes.

Q. You gave an alarm, and ſaid you had loſt your watch?—*A.* Yes.

Q. After that, the priſoner, Maſon, brought a light up, did not ſhe?—*A.* Yes.

Q. Conſequently you had an opportunity of examining whether it was gone or not?—*A.* How could I when I was alone, and all theſe people beating me.

Court. Q. When the candle was brought up, was the watch there?—*A.* No.

Mr. Alley. Q. How long have you been from ſea?—*A.* Between eight and nine weeks.

Q. You know this is an indictment for a burglary, and that there is a reward of forty pounds for each of theſe women?—*A.* I do not know what the law is.

Q. Do you mean to ſwear you have never heard there is a reward of forty pounds on conviction for a burglary?—*A.* Yes, I have.

Q. Have you not ſent to the priſoners, and ſaid, that if they would give you ſix or ſeven guineas, you would not go on with the proſecution, becauſe you knew they had not taken the watch?—*A.* No, I never did. Mr. Nixon has been with me, and offered me a great deal of money; I ſaid, I would not, becauſe it is againſt the King and country to do ſo; it is in the hands of the law now.

ELIZABETH HAROLD *ſworn.*—On the 24th of April, about ten minutes after ten, I went to bed, the two priſoners and three men came into the room, and broke a piece out of the door with a hammer; I ſaid, O Lord, have mercy upon me, and I had no ſooner ſaid ſo than the door came off the hinges: Upon that the three men all came in and ſtruck me; William Wells got out of bed, and aſked what was the matter; I ſaw the watch hanging there; then they had a light with them, and one of the men threw the candleſtick at me, and that put the candle out; I made my eſcape out of the room as ſoon as I could, with my gown and petticoat upon my arm.

Q. Did you miſs the watch before you went out of the room?—*A.* No.

Q. Who ſtood neareſt to that part of the bed where the watch hung?—*A.* They all ſtood together.

Croſs-examined by Mr. Alley. You were an acquaintance of one of theſe men?—*A.* Formerly I was.

ROBERT BROWN *ſworn.*—I am a conſtable belonging to the Police-Office, Shadwell: On the 25th of April, in the morning, I received information from Wells, that he had been robbed by two women and three men, he mentioned the woman's name that I know very well; I met one of them in the ſtreet, and apprehended her; I afterwards went to his lodgings, to ſee how it was broke open, and there appeared to be a deal of violence at the door; I came again to the miſtreſs of the houſe, and ſhe delivered this hammer to me, and a knife. I ſearched the priſoners, but found nothing upon them.

Croſs-examined by Mr. Alley. Q. Where did you find Maſon?—*A.* I think at Mrs. Beaford's.

Q. The other priſoner you found near the Public-Office?—*A.* Yes.

Priſoner Maſon's defence. I am an unfortunate woman: this woman of the houſe always had half-a-crown of me when I had any body with me; I went out to order a pint of beer, and met with this young woman, and aſked her to come up and have

ſome

ſome ſalmon; two of the men came up to aſk if Elizabeth Harold was at home; I ſaid, I did not know; and juſt after we heard a noiſe, and I took a candle to ſee what was the matter.

The priſoners called five witneſſes, who gave them a good character.

Both NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice GROSE.

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362. JOHN PRICE was indicted for feloniouſly ſtealing, on the 29th of April, a ſilver fork, value 5s. the property of Winchcome-Henry Hartley, Eſq.

—— CLARKE *ſworn.*—I lived as footman with Mr. Hartley, in Devonſhire-ſtreet, Portland-place; the priſoner was a ſervant out of place: On the 29th of April laſt, before I left Mr. Hartley, I met the priſoner in Princes-ſtreet, Oxford-road; I told him I was going to leave Mr. Hartley, and if he could inform me of a ſituation I ſhould be very glad; accordingly he came in the afternoon, and was let in by one of the maid ſervants, to tell me of a ſituation; I aſked him to eat and drink, and the plate was on the table where he was eating; there was but half a dozen forks out at dinner time. While he was eating, I had occaſion to anſwer the bell ſeveral times, nobody but myſelf being in the kitchen at that time; I did not miſs the fork that night, he ſtopped about an hour. The next morning I miſſed the fork, I enquired amongſt my fellow ſervants, they did not know any thing about it; the priſoner had told me that he would be the next morning at a public-houſe, the corner of Quebec-ſtreet, to give me more information concerning this ſituation; miſſing the fork I went to meet him, but he did not come to the time appointed; I ſaw no more of him till evening; after dinner I met him in Portland-place, I told him we had miſſed ſuch a thing, and he ſtrongly denied having it; I aſked him if he would go with me to the butler, and ſatisfy him that he had not it; he ſaid he would after he had been to Upper Harley-ſtreet; he went there, the perſon was not at home; then he would not go with me, he ſaid, he had got to go to Upper Groſvenor-ſtreet, the perſon was not at home there; and then he would not go; then we went to Curzon-ſtreet, May-fair, and then I got him to go with me; he would not go in then, he ſaid, I might ſend the butler out to him, for he would not go in; I went, and in the mean time he ran away, and I ſaw no more of him till the fifth of May, when he was brought to Marlborough-ſtreet Office.

WILLIAM FOX *ſworn.*—I am a dealer in ſilver: The priſoner came to me on Friday evening, the 4th of May, and aſked me if I bought old ſilver, to which I replied in the affirmative; he then produced ſome part of a fork; I ſuſpected it was ſtole; I aſked him how he got it; he told me it was his own, that he was a ſervant out of place, that he had received it of another gentleman's ſervant to ſell; I told him, that was not likely, and begged him to tell me the truth; he ſaid, if I muſt have the truth, he found it in Wimpole-ſtreet; I told him, I did not believe either of his ſtories. I ſent for an officer, and he was apprehended.

Clarke. I cannot ſwear poſitively to the fork, I can produce another like it, they were both made by one maker; I bought a fork in the room of it, which coſt me twenty-ſeven ſhillings.

Priſoner's defence. I picked it up the corner of Wimpole-ſtreet.

GUILTY (Aged 35.)

Confined twelve months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice GROSE.

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363. JOHN HOWE was indicted for feloniouſly ſtealing, on the 15th of May, an iron kitchen range, value 5s. belonging to John Liverſuch, being a utenſil fixed to a houſe of his, he having no title or claim of title thereto.

Second Count. For feloniouſly ſtealing, a hempen ſack, value 6d. a live cock fowl, value 12d. and four live hen fowls, value 4s. the property of the ſaid John.

JOHN LIVERSUCH *ſworn.*—I keep a houſe, No. 15, in Brick-lane, Old-ſtreet: On the 14th of May, in the evening, or early in the morning of the 15th, I was informed that all my fowls were gone but one; I found a great many feathers pulled out and laid about the ground; I miſſed a cock and four hens, and a hempen ſack. As I was coming by the window I ſaw a great many bricks lying about, I looked in and ſaw that a range was gone, three feet and a half long. In conſequence of ſome information, I went, with a conſtable of the name of Wilkes, to the priſoner's apartments, in Trotter-bone-alley, Brick-lane, up two pair of ſtairs; there was a young man of the name of Stokes, held his head down that I ſhould not ſee his face; I ſuſpected him, I ſaid to him, I did not know that you lived here, I ſuſpect my fowls are here; I looked at Howe's bedſtead, he was in bed, and preſently I perceived the end of my ſack upon his bed, underneath him, he was lying on it, and I ſaid, I have found you, have I; I took the ſack, and told the conſtable I could ſwear to it, *(produces the ſack)*: it is marked I. S. B. and a patch at the bottom of it.

Q. Did you find any thing elſe?—*A.* I was going to ſearch about the room, but the conſtable ſaid I had no right; Howe ſaid, he did not know how it came there, he ſuppoſed it was brought in by two young men.

—— WILKES

—— WILKES *ſworn.*—I am a conſtable: On the 15th of May, I went with Liverſuch to the priſoner's houſe, I told him, I could not ſearch without a ſearch-warrant; he turned himſelf round and ſaw this ſack, and he gave me charge of the priſoner, and of a young man of the name of Stokes who was diſcharged.

Priſoner's defence. I came home from my benefit club, about a quarter after ten o'clock, and the next morning I went to Iſlington with a pair of ſhoes that I had ſoled and heeled, and when I came back I laid down, I had been very ill; I do not know how the ſack came there.

Q. (To Liverſuch.) Did you ever ſee him about the premiſes?—*A.* No.

For the Priſoner.

WILLIAM SEAWARD *ſworn.*—I live in the ſame houſe with the priſoner, I have known him eight years, he is a very honeſt hard-working man: On the night of Monday, or early on Tueſday morning, I heard a noiſe of fowls, like a hen cackling, near his houſe, but I could not pretend to ſay that I ſaw any thing.

Q. Did you ſee any thing of a fire-range, or grate?—*A.* No.

WILLIAM SMITH *(a boy) ſworn.*—I have known the priſoner twelve years, he is a very honeſt man as far as I ever heard; I work with him, he is a ſhoe-maker; while he was gone to Iſlington, on the Tueſday morning between eleven and twelve o'clock, a young man came up, and aſked me if Mr. Howe was at home; I ſaid he was not; and then he aſked me if I would be ſo good as let him leave it till the evening, and I let him; it was a bag ſomething like this, I am not ſure; the man's name was Dickins, he laid it on the bed and went away.

The priſoner called two other witneſſes, who gave him a good character. NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice GROSE.

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364. THOMAS FLOWERS was indicted for feloniouſly ſtealing, on the 3d of May, a pair of braſs moulds, value 2s. two dies made of iron and ſteel, value 2s. and four hubs made of iron and ſteel, value 12d. the property of Charles James.

CHARLES JAMES *ſworn.*—I am an engraver, in Moorfields: On the 3d of May I was robbed by the priſoner, who worked for me; I went to look for a collar that I had to engrave, which I miſſed, he was out at the time; when he came back, I aſked him if he knew any thing of this collar; he ſaid he did not, and was going out of the room; I ſaid, you ſhall not go, for I will ſend for an officer; he went down to the yard, and I got before him; I aſked him where he was going; he ſaid he was going to the privy; I told him he ſhould not go there, or into the ſhop any more, I had entirely done with him; he then, after ſome little heſitation, pulled a die out of his pocket, made of iron and ſteel; I deſired the nurſe to come down ſtairs and take the things of him; when he took the firſt die out of his pocket, he ſaid, take it, and hang me out of the way, for I am tired; then he came down and took five more out of his right-hand pocket, there were four of them particular dies, that are called hubs, I gave them to the nurſe; I told him, as I could not get an officer, I would take him myſelf, and deſired him to go with me to a public-houſe in our neighbourhood, he there dropped a pair of braſs moulds upon the floor; ſoon after that the officer came, and I delivered him into his cuſtody.

Q. Had you given him any orders to take them any where?—*A.* No.

MARY BROWN *ſworn.*—*(Produces the property.)* I have kept them ever ſince; I believe he was in want; he did attempt to hang himſelf once in the ſhop, when my maſter was ou he ſaid, he did this on purpoſe that he might be hanged.

Proſecutor. He had applied to the pariſh, and they would not take him in; the night before this happened, he told me he had fell into a well; and I told him, it was very ſtrange he could not ſee a well in the middle of a field; why, ſays he, I went backwards into it, to get ſome water to water the garden; I aſked him how he dried his clothes; and heſa id, he walked about the field; he was not in liquor. NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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365. WILLIAM JEFFERIES and JAMES MERCER were indicted for breaking and entering the dwelling-houſe of Sarah Macknelly, about the hour of two in the night of the 14th of May, with intent the goods in the ſaid houſe to ſteal, and burglariouſly ſtealing therein two feather-beds, value 40s. a pier looking-glaſs, value 20s. a carpet, value 10s. two ſteel fenders, value 8s. and a metal fender, value 8s. the property of the ſaid Sarah.

There being no evidence to bring the charge home to the priſoners, they were Both ACQUITTED.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice GROSE.

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366. NICHOLAS VARGIN was indicted for that he, on the 21ſt of April, on the King's highway, in and upon James Stowe, did make an aſſault, putting him in fear, and taking from his perſon a red-morocco card-caſe, value 2d. a half-crown, and one ſhilling, the goods and monies of the ſaid James.

JAMES

JAMES STOWE *ſworn.*—I am an engraver, at Hammerſmith: About half paſt eight o'clock on Sunday evening the 21ſt of April, as I was going home, between the White-horſe public-houſe and the Hand-and-flower, I met two men, a tall one and a ſhort one; the tall one ſtopped me, he caught hold of me, and in a low tone demanded my money; I gave him half-a-crown, and one ſhilling; the ſhort one came by the ſide of me and ſearched my pockets, he took from me a red-morocco card-caſe; during the time he was ſearching my pockets, I could perceive the end of a ſhort thick ſtick underneath his coat; after which they deſired me to go on. I ſtopped at the Red-cow, a little farther on, where I met with the Bow-ſtreet patrol, and I deſcribed the tall man to the patrol; I took but little notice of the ſhort one, my attention was fixed on the tall one; upon my deſcription he was taken; I ſaw the tall man again at Bow-ſtreet on the Tueſday following, this was Saturday; he was dreſſed in a dark coloured coat, I do not know whether it was black or blue, and a black handkerchief round his neck; the moon ſhone very bright ſo that I ſaw his face perfectly diſtinct, he had a round hat on, not of a very good ſhape; the priſoner at the bar is the tall man.

Q. Have you any doubt about his perſon?—*A.* Not the leaſt; the moon ſhone ſo bright that I could ſee his face very diſtinctly; I am ſure he is the man.

Q. When you ſaw him at Bow-ſtreet, was he in the ſame dreſs that you had ſeen him before?—*A.* No.

Q. Is there nothing elſe beſides his face, and figure, that you can ſwear to?—*A.* Nothing elſe.

Q. Did you ever find any of your property?—*A.* No; he was taken from the deſcription I gave of him.

Q. Do you keep a houſe—are you a maſter engraver?—*A.* Yes.

Q. When you ſaw him at Bow ſtreet who was there firſt, you or the priſoner?—*A.* I was there about five or ſix minutes before the priſoner.

Q. When you firſt ſaw him was he brought to the bar?—*A.* Yes.

Q. Was he brought with any body elſe?—*A.* Yes, with two others.

Q. You were there for the purpoſe of ſeeing him?—*A.* Yes; the officer had called upon me in the morning.

Q. Were they all brought up in irons?—*A.* No, none of them.

Q. But they were brought up as priſoners?—*A.* They were.

Q. Did you underſtand, when they were brought, that you were to ſelect a man out of thoſe three?—*A.* Yes, if it was the man.

Q. Then you were to look at thoſe three men to ſee which of them was the man?—*A.* Yes.

Q. And did you immediately fix upon the priſoner?—*A.* I did, in my mind, but I was not aſked any queſtions till they were all examined; as ſoon as Mr. Bond, as I believe it was, put the queſtion to me, I immediately ſaid the priſoner was one of the two men that ſtopped me.

DUNCAN GRANT *ſworn.*—I am a patrol belonging to Bow-ſtreet: I met Mr. Stowe, at Hammerſmith, directly after he was robbed, he deſcribed the man very clear; on the Monday following, between ten and eleven o'clock at night, I apprehended the priſoner, and two more ſoldiers, near the three mile-ſtone at Hammerſmith, he was dreſſed exactly as he is now; I ſearched him, and found this in his left-hand pocket, *(producing a ſhort thick ſtick)*; I did not find any thing elſe; he was brought to Bow-ſtreet on Tueſday morning.

Q. (To Stowe.) Look at that ſtick?—*A.* I cannot ſwear to the ſtick; it was under the other man's coat that I ſaw it, it was a ſhort thick ſtick; I only ſaw the end of it as he ſtooped to ſearch me.

Q. How long might this tranſaction take up?—*A.* Not a minute; it was all in an inſtant as it were.

Q. Were you alarmed at all?—*A.* Yes, very much.

Q. Look at the priſoner, and tell me if you are poſitive he is the man?—*A.* I am poſitive he is the man.

Priſoner's defence. I am as innocent of it as the child unborn. GUILTY **Death.**

The priſoner was recommended to mercy on account of his offering no violence to the proſecutor.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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367. SAMUEL HALL was indicted for feloniouſly ſtealing, on the 20th of April, a cheeſe of thirty pounds weight, value 14s. the property of John Strange and William Strange.

JAMES CHIDLEY *ſworn.*—I am porter to John and William Strange, cheeſemongers, in Biſhopſgate-ſtreet: On the 20th of April, about eight o'clock at night, I was unloading ſome cheeſe at the door, and the lamp-lighter came and told me a man had taken ſome cheeſe out of the cart; I followed the man down Warner-ſtreet, he had the cheeſe upon his head; he turned round, and ſeeing me follow him, he threw down the cheeſe and ran about thirty yards further, and then I caught him; the priſoner is the man, he never was three yards from me all the way; I brought him back, and the cheeſe with him; the conſtable has the cheeſe.

THOMAS SAPWELL *ſworn.*—*(Produces the cheeſe.)* I received it from Mr. Strange.

Chidley. This is the cheeſe that I took from the priſoner, it is the property of Mr. Strange.

Priſoner's

Priſoner's defence. I went to look for a ſhip to go to ſea, and as I was coming back through Biſhopſgate-ſtreet, a man came up and aſked me to carry that cheeſe for him; I never did ſuch a thing in my life before.

The priſoner called ſix witneſſes, who gave him a good character.

The Jury expreſſed a wiſh to hear the evidence of the lamplighter.

JACOB ABBOTT *ſworn.*—I was croſſing Biſhopſgate-ſtreet, I had my light in my hand: I ſaw two men ſtanding by the cart, ſeeing me come up with the light they went away; as ſoon as I had croſſed the way I put my light out, and they both returned again, and then I ſaw the other man, not the priſoner, take the cheeſe out of the cart; he went about five yards, and then gave it to the priſoner. I went and told the carman of it, and he went after them.

NOT GUILTY.

Tried by the London Jury, before
Mr. COMMON SERJEANT.

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368. JAMES GALLAWAY was indicted for feloniouſly ſtealing, on the 8th of May, two pounds of braſs tubes, value 3s. the property of Charles Fairbone.

NATHANIEL STEINE *ſworn.*—I am ſervant to Mr. Charles Fairbone, No. 20, Great New-ſtreet, Fetter-lane; the priſoner was alſo a ſervant to Mr. Fairbone, but he did not work in the houſe: On Tueſday the 8th of May, having a ſtrong ſuſpicion that the priſoner was robbing my maſter, I watched him very narrowly for the courſe of an hour and a half, during which time, I ſaw him take ſeveral pieces of braſs and put into his pocket; I ſaw him take three pieces of tube off a board, put it on the floor, put his foot on it, and ſtamped on it to flatten it; he ſtooped, picked it up, and put it into his pocket; about a quarter of an hour after, I ſaw him pinch ſeveral pieces of braſs in a vice, and put them into his pocket; determining to detect him in his villainy, I went down ſtairs, at half paſt ſeven o'clock, I ſtood on one ſide of my maſter's door till a quarter before eight, till ſuch time as the men had left off work; he was the firſt or ſecond man that came down; I let him go twenty yards off my maſter's premiſes, as nigh as I can tell the diſtance; I went to him and ſaid, Gallaway, my maſter wants you; he came back, and in the paſſage he made a bit of a turn; I put my hand upon his ſhoulder, and ſaid, go along, you muſt go; he went into the yard; Mr. Middleton, the conſtable, was ſent for, he came and ſearched him, and found the property upon him; he took it out of his pocket before my eyes, my maſter, and moſt of the men.

ROBERT WITHERSPOON *ſworn.*—I am ſervant to Mr. Fairbone; I ſuſpected the priſoner at times leaving bits of braſs and miſſing them: On Tueſday the 8th of May, about two o'clock, I obſerved him very buſy at his lathe with braſs, cutting it up in bits; I told my maſter's ſon, and he told me to look after him; I did, and obſerved him frequently putting bits down upon the ground, and ſtamping upon them, and putting them into his pocket, he was doing that till near about a quarter before five o'clock; there is one bit that I can ſwear to.

RICHARD MIDDLETON *ſworn.*—I am a conſtable. *(Produces the property found upon the priſoner.)*

Q. (To Mr. Fairbone.) How long as the priſoner lived with you?—*A.* Twenty-ſix years, but he has been robbing me many years; he has been forgiven ſeveral times by my ſon, without my conſent; I can ſwear to ſeveral articles, becauſe I am almoſt the only perſon that has tools for making ſome of them.

The priſoner did not ſay any thing in his defence.

GUILTY (Aged 46.)

Tranſported for ſeven years.

Tried by the London Jury, before
Mr. COMMON SERJEANT.

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369. JOHN PEARSON was indicted for feloniouſly ſtealing, on the 14th of May, a printed book bound in leather, value 1s. four pounds of pork, value 2s. and a wooden box, value 6d. the property of John Whitmarſh, John Brown, Henry Whitmarſh, and Nicholas Brown.

Second Count. Laying it to be the property of perſons unknown.

HENRY BISHOP *ſworn.*—I am porter to Meſſrs. Brown and Son, proprietors of the Taunton waggon, Saracen's-head, Friday-ſtreet, their names are John Whitmarſh, John Brown, Henry Whitmarſh, and Nicholas Brown; On Monday the 14th of May, a little after five o'clock in the afternoon, we were buſy loading the waggons, and I ſaw the priſoner go by with a box, he had it in his hand, I thought he might have come into the yard and fetched it as being his own; I immediately went into the warehouſe to our maſter, and aſked him if he delivered in a little box; he ſaid, no, he had not; I then went after him; ſir, what are you going to do with that box; he made me no anſwer, but walked very faſt towards the gate-way; I called out ſtop, ſtop the man with the box; the Bath coach was juſt loading and going out, and the Bath horſe-keeper ſtopped him; he had let the box fall.

Q. Are you ſure that is the man who had that box in his poſſeſſion?—*A.* Yes; I am clear of it.

Croſs-examined by Mr. Knowlys. *Q.* What are you?—*A.* Head porter in the yard of the Saracen's Head.

Q. You do not know any thing of the proprietors

prietors of the Taunton waggon yourſelf?—*A.* Yes, and have for many years.

Q. You do not yourſelf know who are the parties concerned in this waggon?—*A.* Yes, I do; I am head porter to their waggon.

SAMUEL-WISE OSBORN *ſworn.*—I am porter to the Taunton coach: I ſaw the priſoner at the bar paſs by me, as I was ſtanding in the yard at the tap-room door, between five and ſix o'clock; he walked by me a ſteady pace, with a box under his arm; Mr. Biſhop followed after him, and ſaid, what are you going to do with that box; the priſoner made him no anſwer, but mended his pace; as ſoon as he got underneath the gateway, by the ſide of the Bath coach, he began to run, and let the box fall by the Bath horſe-keeper; but he was followed, and we took him juſt without ſide the gate; we brought him up the yard, and immediately ſent for a conſtable.

JOHN SPARKES *ſworn.*—I am book-keeper to the Bath coach: I ſaw the priſoner walk down the yard with the box under his arm, and Biſhop, the firſt witneſs, purſuing him; when he came under the gateway, he dropped the box, and I took it up; the box is in the poſſeſſion of the conſtable; the horſe-keeper purſued him, and took him juſt out of the gateway.

JOHN RUTHERFORD *ſworn.*—I am a conſtable: I know nothing more of it, than taking the box. *(Produces the box).*

WILLIAM OSBORN *ſworn.*—I keep the inn, and am book-keeper to Meſſrs. Whitmarſh and Company: I know no further of the box than has been related to your Lordſhip; in fact, I never ſaw the box at all till after this tranſaction.

Biſhop. This is the ſame box; when the goods are unloaded from the waggon, they are placed at the warehouſe door, and it is my buſineſs to call the goods over; I had called them over, and here is my mark that I had put upon it, one ſhilling carriage; the box had come from Taunton to London.

Q. What does it contain?—*A.* It was opened at the Manſion-Houſe; it contains ſome country pork, a few apples, and a book.

Mr. Knowlys. *Q.* Who is the waggoner of that waggon?—*A.* Robert Vickery.

Q. He is not here?—*A.* No.

Q. He has the way-bill?—*A.* No; the way-bill is always confined to Mr. Oſborn.

Q. It was by the way-bill that you were able to aſcertain that this box had been in the waggon?—*A.* I took it myſelf off the rade of the waggon.

Priſoner. I was very much intoxicated.

Rutherford. He was either drunk or mad.

Priſoner. I knew nothing of the affair till the next morning.

Mr. Knapp. *Q.* *(To Biſhop.)* Was he drunk, or not?—*A.* He was either drunk or mad.

GUILTY (Aged 36.)

Tranſported for ſeven years.

Tried by the London Jury, before
Mr. COMMON SERJEANT.

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370. JOHN HARRIS was indicted for feloniouſly ſtealing, on the 14th of May, a pound and eight ounces of tea, value 4s. the property of the Eaſt-India Company.

Second Count. Laying it to be the property of certain perſons to the Jurors unknown.

(The caſe was opened by Mr. Knapp.)

THOMAS MILLS *ſworn.—Examined by Mr. Knapp.* I am a labourer in the India Company's Warehouſes, in Haydon-ſquare, in the Minories: The priſoner was a labourer at work alſo in the ſame warehouſes; on the 14th of May I ſaw him put his great coat over his left ſhoulder and part of his left arm; he leaned acroſs one ſide of the cheſt of tea that was open, and then his right hand he put into the cheſt of tea, and took out ſome tea, and put it underneath the left ſide of his coat; after that I ſaw him ſhake the coat ſeveral times, as if to ſhake the tea down; he then ſat down for five or ſix minutes, then he doubled up his coat in a very care-taking manner, and put it upon a cheſt of tea three high, next to the wall; I told Mr. Joyce what I had ſeen; about two hours and a half after that, Mr. Joyce came up again, and deſired Harris to go to the next floor to order ſome cheſts to be brought down to us to be mended; while the priſoner was gone, Mr. Joyce brought his coat, as it hung upon the nail, and there he found a quantity of tea, as he thought; he took the coat down and carried it to the accompting-room; I did not ſee the tea produced.

Q. Was that the priſoner's coat?—*A.* He owned it.

Croſs-examined by Mr. Alley. *Q.* How many perſons were there up ſtairs at this time?—*A.* I cannot tell.

Q. Was any body there but yourſelf, when he took the tea?—*A.* There were a great many in the ſame room.

Q. The coat remained till near one o'clock in the room where all theſe people were at work?—*A.* Yes.

Q. You are in the Company's military ſervice?—*A.* I was.

Q. You have been diſmiſſed from that Company?—*A.* Yes.

Q. Have you had any ill-blood in conſequence of your diſmiſſion?—*A.* No, never in my life.

Q. Do you mean to ſwear that?—*A.* Yes.

Q. Do you deny that you ever had any diſpute with the priſoner?—*A.* It is unknown to me if I have.

Q. Will you ſwear that you have had no quarrel with him?—*A.* I do not know that I ever had.

THOMAS JOYCE *ſworn.—Examined by Mr. Knapp.* I am an Aſſiſtant-elder in the Company's warehouſes: In conſequence of the information of the laſt witneſs, I went on the 14th of May up into the warehouſes, about half paſt one; I ſaw the priſoner at the bar there, his duty called him to work in a place ſurrounded with tea open; I ordered him and others upon other buſineſs; I clapped my hand upon his coat as it was hanging up, and felt a very great bulk in the pocket of it, and I took it down to the accompting-houſe, to the Elder's office, and left it with Mr. Bourne, and told him I would fetch him the owner; I went into the yard, and called John Harris, and he came immediately; Mr. Bourne aſked him if that was his coat, he ſaid, yes; he aſked him how the tea came in his pocket, and he ſaid he did not know. I ſaw the tea weighed; it was Congou tea; there was upwards of a pound and a half; there was a vacancy in one of the cheſts.

Croſs-examined by Mr. Alley. Q. You did not communicate your intention before you went into the room where the priſoner was?—*A.* No.

Q. He hung his coat up very near you?—*A.* Yes.

Q. Is it not uſual for perſons to be ſearched and rubbed down?—*A.* Yes.

Q. And a man cannot hope to get off with any quantity?—*A.* No.

Mr. Knapp. Q. Where was this pocket?—*A.* An inſide breaſt-pocket.

WILLIAM-PALMER BOURNE *ſworn.—Examined by Mr. Knapp.* I am a King's locker: I ſaw the great coat brought into the accompting-houſe; I took this tea out of it, *(producing it);* I aſked the priſoner if this coat was his, and he ſaid, yes, it was; I aſked him how he came by the tea, he ſaid, he did not know any thing of the tea; he ſaid he had put ſome bread and cheeſe in his pocket, but knew nothing of the tea; there was ſome bread, but no cheeſe.

Q. Was the bread over or under the tea?—*A.* Over the tea.

Priſoner's defence. I know nothing at all about the tea being in my pocket.

The priſoner called William Starke with whom he had lodged two years, and who gave him a good character.

Mr. Knapp. Q. How many names may this man have?—*A.* I cannot ſay; people have called him nicknames; they have aſked for him ſometimes by the name of John Harris, ſometimes Oliver Beard, and ſometimes Harlequin.

Court. Q. By what name did he announce himſelf to you?—*A.* By the name of Oliver Beard. GUILTY (Aged 50.)

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice GROSE.

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371. JAMES JONES and THOMAS GRIFFIN were indicted for feloniouſly ſtealing, on the 12th of May, an iron anchor, value 30s. and an iron barge-chain, value 25s. the property of Stanhope Hillier, in a barge lying upon the navigable river Thames.

(The caſe was opened by Mr. Knowlys.)

STANHOPE HILLIER *ſworn.—Examined by Mr. Knowlys.* I am a barge-owner, and live at Brentford: On the 11th of May, I was returned from below bridge up the river towards Brentford; in the evening of that day I made faſt my barge, with a headfaſt, to ſome craft at Milford-lane-road, on the Middleſex ſide of the water; I left an iron chain and an anchor ſafe in the barge, between nine and ten o'clock at night.

Q. Fixed to the barge?—*A.* No; the anchor was fixed to the chain, but not to the barge. I went to bed between ten and eleven.

Court. Q. Had you more than one anchor on board?—*A.* No.

Mr. Knowlys. Q. How ſoon did you perceive it was loſt?—*A.* Between five and ſix the next morning. I ſaw the chain on Monday following, at the watchman's houſe, his name is Went; I had loſt it on the Friday; I heard that ſuch a chain had been ſtopped, and I went to ſee it.

JOSEPH WENT *ſworn.*—I am a watchman to Meſſrs. Wood and Company's coal-wharf, at the bottom of Northumberland-ſtreet; I have known the priſoner at the bar for ſeveral years: On the 11th of May, about five in the afternoon, I ſaw them ſhove a peter-boat, which is the property of Griffin; they put this peter-boat out from York-buildings; they ſhoved the peter-boat to the Black-lion cauſeway, that goes up to Charles-court, where they both reſide; Griffin went up the court, and ſhortly returned with a baſket; they both rowed down the river together. I went over to inform Mr. Butt, the officer, and deſired him and Richardſon to watch their return; and we went about twelve o'clock, that was the time of the return of the tide; I waited for them till they returned, about one o'clock in the night, as near as I can tell; we all three of us were cloſe upon the ſtairs, waiting for them; they came to the back of the Black lion public-houſe, adjoining to the ſtairs where we were; and they put out ſome deals from the boat, and then they put their boat back again to the upper ſide of the cauſeway, and put this baſket, with a chain,

out

out upon the cauſeway that I was going down; then they put their boat back, and faſtened it cloſe to a houſe built upon a barge; then they returned to the baſket, and both ſtood by it for ſome little time; then Jones came up to the foot of the ſtairs apparently to ſee if the way was clear; I ſuſpected he ſaw us there; he looked and ſaid, a hoy! a hoy! I then ſaid, lay hold of him, Richardſon then laid hold of him; Mr. Butt and I immeditely jumped up and ſecured Griffin and the baſket; immediately as we went down to the baſket, Butt ſaid to Griffin, what have you got here; Griffin ſaid, a baſket of chains; he aſked him where he got it; he ſaid, he got it out of Mr. Bailey's ſailing boat, Jones was within hearing at the ſame time, in cuſtody of Richardſon; he ſaid, he was going to carry it aſhore for ſafety; he ſaid, he had the care of Mr. Bailey's boat; we ſecured them in the watch-houſe; and the next day, Mr. Bailey came to the watch-houſe, and aſked Griffin what brought him there; Griffin ſaid, it was for a piece of chain that he had found; Mr. Bailey aſked him again, how he came by the chain, and he told him that one of their anchors run foul of it; Mr. Bailey ſaid, he had no chains.

Q. In point of fact, had their boat any anchor?—*A.* No, nor grapling, nor any thing elſe.

Q. Did you afterwards ſee Mr. Hillier, the proſecutor?—*A.* Yes, I ſhewed him the chain, it has been in my poſſeſſion ever ſince. *(Produces the chain.)*

Mr. Hillier. I am ſure it is my property.

Q. What is the value of it?—*A.* About twenty-five ſhillings.

Q. Under forty ſhillings?—*A.* Yes.

——— RICHARDSON *ſworn.*—I was preſent when the priſoners were detected; I laid hold of one of them, and ſecured him. The account they gave of it was exactly what the laſt witneſs has ſtated.

Priſoner Jones's defence. We were plied by a Weſt-country barge, to tow her up to Putney, we agreed for five ſhillings; and then rowed back home. I never ſaw the baſket nor chain either till Mr. Went brought it upon his ſhoulder, in the baſket, to the watch-houſe.

Priſoner Griffin's defence. I went with Jones up to Putney; I never ſaw the baſket or the chain either.

Jones, GUILTY (Aged 23.)
Griffin, GUILTY (Aged 25.)

Of ſtealing to the value of 25s.

Confined ſix months in the Houſe of Correction, publicly whipped, and diſcharged.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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372. CHARLES BACON was indicted for feloniouſly ſtealing, on the 7th of May, two yards of Mancheſter cotton breeches ſtuff, value 7s. three quarters of a yard of white marcella waiſtcoating, value 4s. half a yard of vandyke ſtripe marcella waiſtcoating, value 3s. and half a yard of croſs ſtripe marcella waiſtcoating, value 3s. the property of John Wagſtaff.

JOHN WAGSTAFF *ſworn.*—I am a man's mercer and taylor, No. 86, Oxford-ſtreet: I did not miſs the property till it was found upon the priſoner; it was miſſed by a ſervant of mine.

WILLIAM JOHNSON *ſworn.*—I am ſervant to Mr. Wagſtaff: On Monday, the 7th of May, the priſoner came into the ſhop about four o'clock in the afternoon, to buy ſome cloth, I obſerved at the time he came in, he had nothing under his coat, and while I was ſerving another perſon in the ſhop, as he ſaid he was in no hurry, he was pulling the things about upon the counters, and I ſoon after obſerved that he kept his hand down, and had ſomething under his coat, when he purchaſed the cloth of me, and he would not have the cloth put up in paper, but would lay it down by the door upon ſome breeches paper; I had put it in paper, and he took it out again; having a ſuſpicion of him, I called Mr. Wagſtaff, and deſired him to be careful of him; upon that he took up the coat piece, and left the ſhop; I told Mr. Wagſtaff I had miſſed ſome things; I followed the priſoner, and overtook him in Caſtle-ſtreet, he had then juſt taken the white waiſtcoat piece from under his coat, and was holding it up to look at; a young man that was with me ran on paſt him, and I ſaw him go into a public-houſe in Bolſover-ſtreet; I followed him into the tap-room, and laid hold of the breeches and waiſtcoat pieces; he ſaid, that ſome man out of the ſquare had given them to him to make, and he would take me to him. As ſoon as I came out, he begged I would ſpeak to Mr. Wagſtaff to forgive him; I told him, I ſhould leave it to Mr. Wagſtaff to do as he pleaſed; I had ſeen the breeches piece in the ſhop while he was there. I found upon him the breeches piece and a white marcella waiſtcoat piece.

(Samuel Hamilton, the officer, produced the property, which was depoſed to by Johnſon).

Priſoner's defence. I bought them on the 5th of May, I have a bill and receipt for them. *(Produces it).*

Court. I ſee this bill is made out exactly in the words of the indictment.

GUILTY (Aged 36.)

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice GROSE.

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373. SARAH HOLLOWAY was indicted for feloniouſly ſtealing, on the 7th of May, in the dwelling-

dwelling-houſe of Charles Dibdin, a Bank-note, value 10l. the property of the ſaid Charles.

JOHN COUCHER *ſworn.*—I am clerk to Mr. Charles Dibdin of Leiceſter-place, Leiceſter-ſquare, he keeps a houſe there: On Tueſday the 1ſt of May, I had a check for 21l. drawn on Meſſrs. Hammerſley, in favour of myſelf; I got it caſhed, I received a 10l. note, two five pound notes, and a one; on Saturday I changed the two five pound notes for a ten pound, for a friend; I afterwards took out the one pound note and put in a two pound note; I had occaſion to leave town on particular buſineſs, ſuddenly, on the Saturday, and I put the notes ſomewhere, I do not exactly recollect where; on Tueſday I had occaſion for the notes, I looked round the houſe but could not find them; it continued in that way till laſt Saturday, when Mr. Dibdin came to town; the priſoner was a chairwoman in the houſe. In conſequence of information I received, I ſent for her, and went with Miller a Bow-ſtreet officer, the priſoner, and her huſband, to Mr. Rodbard's, a pawnbroker, in Broadway, Blackfriars, laſt Sunday; Mr. Rodbard was not at home, and we left word for him to come to Bow-ſtreet in the morning; we then went to Whitechapel, to a Mr. Barber, and he acknowledged having received a 10l. note of the priſoner's huſband; we took the priſoner and her huſband to Bow-ſtreet, and Mr. Rodbard produced a 10l. note which he had ſtopped, and which is the note in queſtion, it has my own hand-writing upon the back of it, it was depoſited in Mr. Carpmeal's hands; I do not know the number of it, I only know the hand-writing upon the back.

—— RODBARD *ſworn.*—The priſoner came to my houſe to buy a ſilk cloak, and offered that note in payment, I had never ſeen her before, but I am ſure ſhe is the ſame perſon; ſhe put down a 10l. note and ſaid it was a two pound; I then thought ſhe did not come honeſtly by it; I told her ſhe muſt tell me where ſhe took that note; ſhe ſaid, ſhe took it of Mr. Axton, a coach-painter; I went there, and there was no ſuch perſon to be found; the next morning I took it to the Bank, to ſee if it was ſtopped payment, I heard nothing of it there, and I delivered it up to the Juſtice at Bow-ſtreet; I ſhould know it again, it has got written on the back of it 21l. Wheelwright.

—— CARPMEAL *ſworn.*—I am an officer of Bow-ſtreet, *(produces a Bank-note)*; this note was delivered by Mr. Rodbard to Sir William Addington, and Sir William delivered it to me, I have kept it ever ſince.

Rodbard. This is the note that I received of the priſoner, and that I delivered to the Magiſtrate.

Coucher. This is the note that I loſt, it has my hand-writing upon it. *(The note read).*

Q. The priſoner came backwards and forwards to the houſe, as a chairwoman?—*A.* Yes, every day.

Q. Did the huſband come occaſionally?—*A.* No; he was never employed about the houſe.

Priſoner's defence. I found the notes as I was ſweeping the ſhop out.

For the Priſoner.

WILLIAM TEW *ſworn.*—I keep a public-houſe at Kentiſh-town: I have known the priſoner theſe twenty years, her huſband is a hair-dreſſer, ſhe has two children; I never heard any thing amiſs of her in my life, I have truſted her with ſcores of pounds; ſhe is ſilly at times, and when anybody has given her a farthing, ſhe has ſtood laughing for half an hour; they uſed to call her fooliſh Nan.

GUILTY **Death.**

She was recommended to mercy by the Jury on account of the careleſsneſs of the proſecutor, in laying his notes about not knowing where, and her apparent ſimplicity and ignorance.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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374. ELIZABETH KING was indicted for feloniouſly ſtealing, on the 1ſt of May, an earthenware jug, value 6d. twelve penny pieces, value 12d. and 245 halfpence, value 10s. 2½d. the property of John Crook.

ELIZABETH CROOK *ſworn.*—I am the wife of John Crook, the priſoner was our ſervant, we keep a public-houſe: She came to us on the 30th of June, and on Tueſday the 1ſt of May, ſhe getting intoxicated before dinner I diſcharged her; I told her to go up ſtairs, fetch down her things, and go about her buſineſs; ſhe ſaid ſhe would not without a month's wages; I then went up to fetch her things down myſelf, and ſhe followed me up; I was called down in a hurry, I thought her long, and I went up to ſee for her, and ſaw her coming out at my room-door; upon that, ſhe brought her things down into a little room, and would not take them away with her; then ſhe went under pretence of fetching the gentlewoman who recommended her to me, and ſhe returned back in the courſe of an hour; in the mean time I had been up ſtairs, and miſſed an earthen jug, with eleven ſhillings and two-pence halfpenny worth of halfpence and penny pieces; I then went to Hatton-garden, where I met her, I brought her back, and ſent for an officer; the mug was afterwards brought to me by a witneſs now in Court.

ANN BOWDEN *ſworn.*—*(Produces an earthenware pint jug).* On Tueſday the 1ſt of May, the priſoner came to me, and aſked to go to the privy of my houſe, in King's-head-court, Holborn, ſhe was quite a ſtranger to me. I never ſaw her before

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in my life; I went down with her, and ſhe gave me this jug; ſhe ſaid it was of no uſe to her, and told me to let nobody ſee it; as ſhe was coming out of the neceſſary I heard money chink, and ſhe ſaid it was what ſhe uſed to keep her money in; ſhe told me ſhe was out of place; I aſked her where ſhe lived, and ſhe told me at the Roſe, Hatton-wall; when ſhe went away I ſent my huſband to her miſtreſs, and ſhe was then taken, that was about two hours after ſhe had given it me; it is a cracked jug, and particularly remarkable.

GEORGE LONGDEN *ſworn.* I am an officer belonging to the office in Hatton-garden: I had this jug from the laſt witneſs, it was locked up in the office till to-day, I gave it her to bring into Court; I was ſent for to take charge of the priſoner on Tueſday the 1ſt of May, I took her to the office, and ſhe was committed; I ſearched her, and found four pennyworth of halfpence only, contained in this huſſif.

Mrs. Crook. This is my jug, I know it by being cracked at the bottom with being put over the fire, and a ſtar in the ſide of it; I cannot ſwear to any of the halfpence.

Priſoner's defence. I never ſaw the inſide of the room, for my miſtreſs always made her own bed.

Court. (To Mrs. Crook.) Q. What is the value of this jug?—*A.* A penny or two-pence.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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375. MARY JONES was indicted for feloniouſly ſtealing, on the 12th of May, a linen ſhirt, value 3s. the property of Benjamin Marſhall.

MARTHA MARSHALL *ſworn.*—I am the wife of Benjamin Marſhall: Laſt Sunday was a week, about nine o'clock in the evening, I loſt a ſhirt, the priſoner was a ſtranger to me; I ſaw the priſoner and another woman paſs the top of our ſtairs, I keep a kitchen in Monmouth-ſtreet, and ſell linen; about ten minutes after, I ſaw the priſoner come down ſtairs, ſhe aſked me if I had got a ſhift; I ſaid I had not; ſhe then ſaid, ſhe wanted a ſhirt at about two ſhillings; I got up to ſhew her one, and ſhe put out my lamp that hung at the bottom of the cellar ſtairs, with her arm; I ſaid to her, I am ſure you have burnt your arm; ſhe ſaid, no, ſhe had not; I told her I would go and get a light, and while I was gone to get a light, I could ſee the other woman unpin a ſhirt that hung at the ſide of the ſtairs; I threw down the light, and ran to the top of the ſtairs, but finding I could not overtake her I ſtopped the other woman till the watchman came; ſhe tried to get away, but I would not let her; ſhe ſtruck at me ſeveral times with her fiſt, and I having a child in my arms ſhe ſtruck the child in the ſtomach, and when I came back from the watch-houſe the child was in fits; the ſhirt has never ſince been found.

Priſoner's defence. While I was down there, there came ſomething like a man's hat, and put out the lamp, and then ſhe ſaid ſhe was robbed by ſomebody and I ſhould ſuffer for it; I had nobody with me but my child, I never ſaw the ſhirt.

NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. RECORDER.

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376. SARAH SMITH was indicted for feloniouſly ſtealing, on the 27th of April, a Bank-note, value 5l. another Bank-note, value 5l. another Bank-note, value 2l. and another Bank-note, value 1l. the property of William Hemſley.

WILLIAM HEMSLEY *ſworn.*—I am a ſtable-keeper: On Friday the 27th of April, about eleven o'clock in the evening, I was intoxicated, and after coming out of the Cock-and-hoop, at Holborn-bars, I met with the priſoner, ſhe took me to her apartments, No. 10, Wharton's-court; ſhe then fetched a pot of ale, I might be half an hour in her company, I ſat down on the ſide of her bed, and ſhe ſat down by me; after a little time I fell aſleep for about five minutes, I immediately got up, ran down ſtairs, and went directly home; after I had got home and ſat down, I miſſed my notes.

Q. Had you given her any money?—*A.* No; I aſked her what ſhe would have, and ſhe made a demand of half-a-guinea; after that, I ſaid, it won't do; I went down ſtairs, and went home, but I was ſo intoxicated I could not find my way to the houſe again.

Q. Did you, while you were in the room, pull out your money?—*A.* I did not; I had my hand in my pocket when I paid my reckoning at the public-houſe door, and the notes were then in my left-hand breeches pocket.

Q. When had you laſt ſeen them?—*A.* About ſix o'clock in the evening, in Smithfield; there were two five pound Bank-notes, one two, and one one; I have never ſeen them again. On the Tueſday after I got information where ſhe lodged, I went to the houſe, and found her up ſtairs, in the ſame apartments; I knew the apartments again, and I knew the priſoner again; I ſent for an officer, and ſhe was taken to Hatton-garden.

WILLIAM PAGE *ſworn.*—I keep a ſale-ſhop: About three weeks ago, the priſoner at the bar came to my ſhop to buy a ring and ſome other articles; it was on a Saturday, and ſhe changed with me a five-pound note; I have not got the note; I had no ſuſpicion of her.

GEORGE LONGDEN *ſworn.*—I am an officer belonging

belonging to Hatton-garden: I found a ring upon the priſoner. *(Produces it.)*

Page. This is like the ring that I ſold the priſoner, but cannot ſwear to it; it is not in the ſame ſtate in which I ſold it.

Priſoner's defence. I never ſaw the notes.

The priſoner called two witneſſes, who gave her a good character for honeſty, but admitted ſhe was an unfortunate girl.

NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. RECORDER.

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377. JOHN KEAY was indicted for the wilful murder of Henry Burton, on the 5th of May.

SAMUEL BROOKSBY *ſworn.*—On Saturday, the 5th of May, between ſeven and eight in the evening, I cannot ſay juſtly to the time, I was at the Bell public-houſe at Battle-bridge; the deceaſed was there; it is a houſe where we uſed to pay our people; they had been paid; the deceaſed was waiter to his ſon-in-law, to look after the buſineſs; the priſoner was there, very much in liquor; I had ſome beer, and the priſoner came, and drank out of my beer ſeveral times, and then I called for another pot of beer, for my wife and I, and one of the men, he came and took part of my beer, and poured it into his own pot; and I ſaid to the deceaſed, if I pay for a pot of beer, I expect to have it; the deceaſed then went to the priſoner to take the beer away from him, then there was a little ſcuffle aroſe between the deceaſed and the priſoner; in the ſcuffle, ſome of the beer was ſpilt, and the reſt the priſoner threw over him; then he puſhed him againſt a ſand-bin, and then Mr. Burton ſaid, when he was helped up, I really believe it is my death-wound; but to do it wilfully, with malice in his heart, to do the man an injury, I do not believe he did; Mr. Burton lived two or three days after.

Priſoner. Q. Did not the deceaſed, after he got up, ſtrike at me with his fiſt?—*A.* No; I never ſaw either of them ſtrike at all; only the priſoner puſhed him backwards.

Q. Was the deceaſed in liquor at all?—*A.* No; he was very buſy in his buſineſs.

ELIZABETH GREEN *ſworn.*—I live ſervant at this public-houſe: I was in the kitchen at the time Burton was puſhed, facing the tap-room, I ſaw him fall; I ran into the tap-room, and helped to pick him up; I did not ſee whether it was occaſioned by a puſh or a blow; after he got up, and ſat upon the ſand-bin, he ſaid, this is my death-wound, he has killed me.

Q. How does the ſand-bin ſtand?—*A.* It is like a bench, and he fell with his left ſide againſt it; the priſoner then ſaid, d—n your eyes, you old b——r, I will jump upon your breaſt-bone; and then we got him into the bar as ſoon as we could.

Q. Was Burton at all in liquor?—*A.* No, very ſober; the priſoner was in liquor.

JOHN MARSON *ſworn.*—The deceaſed was my wife's father; he has lived with me for near five years; I keep a public-houſe.

Q. What age was he?—*A.* Sixty-ſix, as nigh as I can recollect.

Q. Was he a tolerable healthy man?—*A.* A very hearty man.

Q. You did not ſee the accident?—*A.* No; I did not ſee him till after he was taken up; I went in to aſſiſt him, and he ſaid to me, he has killed me, he has done my buſineſs for me; I ſaid, I hope not; upon that I led him up ſtairs; the priſoner afterwards abuſed me very much; he was in liquor; I led the deceaſed up ſtairs, and undreſſed him, I put him to bed, and gave him ſome nouriſhing things; he lived till the Tueſday night; I found his breath very much affected about three o'clock on the Sunday morning, and I ſent for an apothecary to bleed him.

Q. Can you tell what he died of?—*A.* According to the apothecary's account, he died of broken ribs, in conſequence of this accident.

Q. Was the priſoner a perſon that uſed to come to your houſe?—*A.* He uſed ſome time ago.

Q. There was no ill-blood or ſpleen between the priſoner and the deceaſed, was there?—*A.* Not that I know of.

RICHARD WAKEFIELD *ſworn.*—I am an apothecary: I was called up about three o'clock on Sunday morning, the 6th of May, to the deceaſed; I found him lying on his back, in great agony of pain; I examined, and found two of his ribs were broken.

Q. Did he die of that accident?—*A.* His breathing was very bad; I bled him, in hopes that might relieve him; in the morning I found it had not relieved him; I ſuppoſe, from his age, his lungs were unſound; he had had a cough ſometime before.

Q. Are you clear that he died of that accident?—*A.* I have great reaſon to ſuppoſe he died from that accident.

JOSEPH INWARDS *ſworn.*—A warrant was applied for to apprehend the priſoner: I went in ſearch after him, and did not find him for ſome time after the death of the deceaſed; but before Burton died, I thought it right to go and talk with him; I went up to the deceaſed's bed-chamber.

Q. Was he then ſenſible that his laſt hour was approaching?—*A.* Yes, very ſenſible; I aſked him how it happened, and he ſaid, the priſoner had got a pint of beer, and had drank part of it, an

filled

filled his pot out of another man's pot that was ſtanding by his; the deceaſed ſaid, you have taken another man's beer, that is not your beer; upon that, the deceaſed went to lay hold of the pot, to fill the other man's pot up again, they ſpilled part of the beer in the ſcuffle to get it away, and the priſoner threw the remainder at him, he puſhed him over the breaſt, and he fell upon the ſand-bin upon his ſide, and that he had broke two or three of his ribs, he believed, which will be the occaſion of my death, ſays he, that I ſhall never be able to come down ſtairs any more; that is all that I know.

Priſoner's defence. I have got ſome witneſſes here that ſaw it.

For the Priſoner.

RICHARD MARTIN *ſworn.*—I have known the priſoner twelve or thirteen years; he lodged with me; he was a peaceable quiet man as ever lived, except he had got a little too much.

EDWARD NEWMAN *ſworn.*—I have known him about two years; he is a peaceable quiet man.

HENRY LUCAS *ſworn.*—I did not know the priſoner; I was at the bar, paying my money, and the deceaſed ſtruck the man on the mouth; I will not ſwear it was the priſoner; I do not know him when I ſee him.

JOSEPH SMOAKER *ſworn.*—I have known him about half a year; he is a peaceable quiet man.

CHARLES MIRTHWAITE *ſworn.* — I have known him two years; he is a very humane man; I ſaw the priſoner come in, and ſet his goods down, and Brookſby called him, and aſked him to drink of his beer; with that he went and drank of his beer, and when he returned his goods were all ſtole out of the baſket; he aſked very civilly who had ſtolen his goods, and they all ſaid, nobody; he did not make any piece of work about his goods; they had got a full pot of beer upon the table, and he put ſome of it into an empty pot; upon that he went and demanded the pot from him; ſome of it was ſpilled, and the priſoner let go the pot; and the deceaſed jawed him; he puſhed him againſt the ſettle, and he lay there a little while, and then he was picked up. NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. Juſtice GROSE.

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378. GEORGE BOWMAN was indicted for feloniouſly ſtealing, on the 19th of May, four pair of thickſet breeches, value 15s. and a pair of Corderoy breeches, value 3s. the property of James M'Kane.

The charge not being brought home to the priſoner, on account of the illneſs of a principal witneſs, the priſoner was ACQUITTED.

Tried by the firſt Middleſex Jury, before Mr. RECORDER.

379. GEORGE DEGRANGE was indicted for feloniouſly ſtealing on the 25th of April, a cotton gown, value 10s. the property of William Clark.

Mrs. CLARK *ſworn.*—I am the wife of William Clark: On Wedneſday, the 25th of April, between nine and ten in the morning, I loſt a gown out of the paſſage; I keep a cloaths ſhop; it hung up for ſale; a perſon of the name of Aſhley told me of it.

JAMES ASHLEY *ſworn.*—On Wedneſday the 25th of April I ſaw the priſoner and another ſtanding looking in at the ſhop window of Mrs. Clark for ſome time; the priſoner then ventured into the paſſage; the other remained at the ſhop window; he came out again; he then went into the paſſage a ſecond time, and unhooked a gown; he looked at two or three, but he took one down which hung upon a nail; he wrapped it up in as ſmall a compaſs as he could, and put it under his left arm under his coat, and went off with it; I immediately ran out of doors without a hat to purſue him, which I did; I firſt croſſed the way to tell Mrs. Clark of it; I laid hold of him faſt by the collar, and brought him back to Mrs. Clark's houſe, and there I took the gown from him.

Court. (To Mrs. Clark.) Q. You ſaw Mr. Aſhley come back with the priſoner?—*A.* Yes.

Q. Did you ſee him take the gown from him?—*A.* Yes; I know it is mine by the print.

—— GIBBONS *ſworn.—(Produces the gown.)* I received it from Mr. Aſhley.

Mrs. Clark. I believe this is the gown; I had hung it in the paſſage that morning.

Q. Have you any doubt about it being your gown?—*A.* No, I have not.

Priſoner's defence. As I was going along the ſtreet, I ſaw this gown lying at the ſide of the door, right under the window; I took it, rolled it up, and put it under my coat, and that gentleman came and took hold of me.

Q. *(To Aſhley).* Did he pick it up from the ground?—*A.* He unhooked it from a nail; it was his ſecond attempt.

The priſoner called three witneſſes, who gave him a very good character.

GUILTY (Aged 17.)

Confined twelve months in the Houſe of Correction, whipped in the gaol, and diſcharged.

Tried by the firſt Middleſex Jury, before Mr. Juſtice GROSE.

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380. THOMAS CHADWICK and MARY GLAZEBROOK were indicted for feloniouſly ſtealing on the 8th of April, a watch, the inſide caſe made of ſilver, and the outſide caſe made of metal, gilt with gold, value 3l. the property of James

James Price, in the dwelling-houſe of Thomas Horwood.

There being no evidence to bring the charge home to the priſoners, they were

BOTH ACQUITTED.

Tried by the firſt Middleſex Jury, before Mr. Juſtice GROSE.

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381. JOHN WILD, JOHN SMITH, and JOHN ROBINSON, were indicted for feloniouſly ſtealing, on the 23d of April, a piece of gold coin called a guinea, the property of Thomas Jones.

THOMAS JONES *ſworn.*—I am a blackſmith by trade, but having loſt the ſight of one of my eyes, I do not follow it. On the 23d of April, I hired the priſoner Smith to ſhew me about London, being a ſtranger, I had come to town the night before; I gave him half-a-crown for his day's work, and every thing to eat and drink that he liked; we then came home to the Three Kings public-houſe, in Piccadilly, where I lodged, between one and two o'clock; there we eat our dinners, and Wild and Robinſon were drinking there; Smith took me into their company to drink with them; after we had dined, we all went out to take a walk, between three and four o'clock, they took me to ſhew me a little about London; and then we went to the George in the Hay-market, we were drinking together there, and I had no ſilver to pay for what we had had; I pulled out a guinea, and put it upon the table to get change, and John Wild picked up the guinea and ran away with it; Robinſon ſat next to me, next the door, ſo that I could not get out to catch him quick enough; I ſaid to Robinſon and Smith, now he has got my guinea I ſhall go home, or, may be, I ſhall loſe more, and I deſired they would take me home; they ſaid he was only gone to get change, and would be back in a few minutes; but I did not ſtop, I went out of the houſe directly, and Robinſon and Smith with me; as I was going along, Robinſon walked on the right ſide of me, and Smith on the left; I felt Smith ruſh againſt me twice, and I felt my purſe drawing out of my pocket; I caught him by the collar directly, and ſaid, you have robbed me of my purſe and two guineas, he had the purſe in his hand; Robinſon then ſaid to Smith, give him his purſe; and in the courſe of a minute, he gave me the purſe and one guinea.

Q. Are you ſure there were two guineas in it after you had laid the other guinea down upon the table?—*A.* Yes; I ſaid to Smith, now I have got you, you have robbed me, and I will have you confined, and then Robinſon ran away immediately; I took Smith back to the George, where we had been drinking before, and ſent for a conſtable; the patrol and conſtable came, their names are Woodley and Evans, I gave them charge of Smith, and he was taken to St. James's watch-houſe, and the next morning to the Magiſtrate; I gave a deſcription of the other two, and they have been taken ſince; I knew them again perfectly well.

ROBERT WOODLEY *ſworn.*—I am a conſtable of St. James's pariſh: On Monday night, the 23d of April, I was at the watch-houſe, and was told I was wanted directly in the Haymarket; I went down, and Rice Evans, the patrole, was there with the proſecutor, who gave charge of Smith; he ſaid he was not guilty, and would go willingly; I did not ſearch him, I took him to the watch-houſe; I took the other two priſoners upon another charge.

RICE EVANS *ſworn.*—I was a patrol at that time: I went down to the George, I was there before the conſtable; when I got there, this countryman had Smith in cuſtody, he charged him with robbing him of his purſe and a guinea; Mr. Woodley came about ten minutes after; he told him the affair, and we took him to the watch-houſe.

WILLIAM PAYNE *ſworn.*—I am a conſtable; I attended the Opera-houſe that night very near the George, I was told that I was wanted to take charge of a man that was in cuſtody for picking a man's pocket of a purſe, with two guineas in it; I went to the George, and there I ſaw Robinſon and Wild; I knew Robinſon very well by the name of Ground Ivy, I did not know him by any other name; I went in, and Ground Ivy was leaning with his elbow upon the bar; Wild was ſtanding on his left hand almoſt facing the front of the bar; I went between the two, I turned round and looked Robinſon in the face very hard, and perceived that one of his eyes was black; then I looked to my left and obſerved Wild with a brown coat on, I did not know him ſo well as I did the other; I went ſtraight forward paſt the bar into the kitchen of the public houſe, I returned back, took a ſecond view of them, and aſked the landlady who it was that wanted a conſtable; oh, ſir, ſays ſhe, that buſineſs is all ſettled, they have taken the man to the watch-houſe that you were ſent for to; ſhe meant Smith; then I ſpoke to Robinſon, alias Ground Ivy, and ſaid, how do you do, maſter; he ſaid, how are you; that was all that paſſed at that time; I ſaw no more of them that night; the next day, Tueſday, I was at Marlborough-ſtreet Office, when John Smith was examined; and after he was examined, I aſked the countryman how it was he was robbed; he told me, he had employed this John Smith to ſhew him the nature of the town, that he had introduced him to the other two men; that they had had him about from place to place till he had loſt his guinea, and then afterwards loſt his purſe; he told me what kind of men they were; his deſcription was that of the other two priſoners at the bar;

I told

I told him I knew them very well, for I ſaw them at the public-houſe. After Smith was taken to the watch-houſe, I went in queſt of them, with the countryman, on Tueſday afternoon, to ſeveral places, to ſee if I could find them; I went to ſeveral public-houſes, but could not find them that day; I could not find them on the Wedneſday; the Monday following after that, I ſaw them both at the watch-houſe, Woodley, the conſtable, had got them as his priſoners; I aſked him, what have you got theſe two men for, I wanted them myſelf; why, ſays he, for robbing a man of a pocket-book and two five pound notes; ſays I, what are you going to do with them; he ſaid, to take them to the Magiſtrate's; ſays I, do you think they will go with you quietly alone without their hands being tied; and he ſaid, do you think they are thieves then; I ſaid, I believe they are; their hands were tied, and they were taken before Mr. Conant, at Marlborough-ſtreet; and as ſoon as the countrymen ſaw them, he ſaid they were the men.

Wild's defence. I never ſaw that man before in my life, it was a man named Fred. not me.

Smith's defence. I attend the mails; this countryman came up with the Oxford mail, very much in liquor, on the 21ſt of April; he was ſo much in liquor that he fell off the top of the coach; I went and got him a bed at the requeſt of the coachman; he laid a bed till ten o'clock, he got up, and ſaid he was very well, he ſhould have ſome breakfaſt; and he wanted to go to different parts of the town, to buy an organ, and I ſhewed him into Cheapſide and Holborn; he could not find one for his price; we came back to the Three Kings, and there was Robinſon, and a man they call Fred. and the countryman, all playing at cards, and drinking and toſſing; he went away after that, with a ſtrange man, a barber, to ſee for an organ, for an hour and a quarter; then they agreed to go to the George, in the Haymarket; what I had I paid for myſelf; the countryman pulled out a guinea, and Fred. the man that is not here, that Wild is here for, went out to get change; I never ſaw Robinſon before in my life; I had ſeen Fred. twice before; then he ſaid, he would go and look for his guinea, he pulled out his purſe, and ſtood by the door ſometime with his purſe in his hand; Robinſon and he went to ſee after the guinea, and I followed them behind, I am lame; I heard them talking about his having loſt his purſe. Juſt as we got to the corner of Orange-ſtreet, there was a light in a ſhop window, and there was the purſe on the ground, I ſhewed it to him, and then he ſaid, there was a guinea gone out of it, and Robinſon ran away, and he took hold of me, and ſaid, he would have me.

Robinſon's defence. I was drinking along with Fred. at the Three Kings, and we were drinking and playing at cards, and toſſing, when the countryman and Smith came in; he loſt five ſhillings at cards, and then he took us to the George, where we got drinking again; and he took out a guinea to pay for what we had had, and Fred. ran away with it.

(One of the Jury ſaid, he was a near neighbour, and that the George was an infamous houſe.)

Wild, GUILTY (Aged 22.)
Smith, GUILTY (Aged 32.)
Robinſon, GUILTY (Aged 22.)

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury, before Mr. Juſtice GROSE.

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382. MARY GLAVE was indicted for breaking and entering the dwelling-houſe of Thomas Holcomb, no perſon being therein, about the hour of twelve in the night of the 21ſt of April, with intent the goods in the ſaid houſe burglariouſly to ſteal, and ſtealing, a feather bed, value 40s. a mattreſs, value 20s. two feather pillows, value 2s. three woollen blankets, value 15s. a looking-glaſs in a gilt frame, value 10s. two linen bed-curtains, value 12s. a linen vallance, value 2s. and a linen headpiece, value 2s. the property of the ſaid Thomas.

(The caſe was opened by Mr. Conſt.)

Court. There muſt be an end of the burglary, for it is neceſſary, in order to bring it within the ſtatute upon which this indictment is founded, "no perſon being therein," that it ſhould be done in the day-time; therefore, that part of the indictment is clearly bad.

WILLIAM SKEAY *ſworn.—Examined by Mr. Conſt.* I am clerk to Mr. Holcomb; the houſe is ſituated in Glaſs-houſe-fields, Ratcliff-highway: I do not know any thing of the goods in the houſe, I know that they were left in the houſe in the care of one of our coopers, William Stone; I was preſent at the time the inventory was taken; I know that ſuch goods were there at that time.

WILLIAM STONE *ſworn.—Examined by Mr. Conſt.* I am cooper to Mr. Holcomb, in Glaſs-houſe-fields, I do not know in what pariſh it is ſituated; the laſt time I was there was on the 11th of April; at that time the goods were all ſafe confined in one room, nailed up, I did it myſelf; I did not go to the houſe again till I heard it was broke open, and then I miſſed the things.

MARY LEARMAN *ſworn.*—I know Mr. Holcomb's houſe, I live at No. 16, Brook-ſtreet, almoſt oppoſite the fields where this houſe was; I know the priſoner perfectly well, I ſaw her coming out of the houſe on the 21ſt of April, between eleven and twelve at night, my ſon was with me; ſhe was coming out at a pair of folding doors behind the houſe, with a bed; I could ſee the ſtripes of the bed very diſtinctly.

Q. Was

Q. Was any body with her?—*A.* Nobody that I ſaw; ſhe went towards her own houſe with it.

Court. Q. How far does ſhe live from Mr. Holcomb's?—*A.* Not further than that wall.

Croſs-examined by Mr. Alley. Q. Did you know the priſoner before?—*A.* Yes.

Q. Why did not you take her into cuſtody?—*A.* I had no ſuch a thought of it; I had no thoughts of law.

Q. Did not you go to the Public-office the next day?—*A.* Yes; when I was fetched.

Q. How long was it ſince you had ſeen the priſoner before?—*A.* I often ſee her as I paſs.

Q. How came you out ſo late at night?—*A.* I was about my own buſineſs.

Q. What buſineſs might you have been out upon?—*A.* My huſband is a labouring man, and I had no money till I got his wages, and I went out to market.

Q. Have you ever lodged with the priſoner?—*A.* Yes.

Q. You lived upon very good terms?—*A.* Always; till I gave her warning.

Q. Did it ever happen that ſhe ſummoned you before a Magiſtrate?—*A.* Yes; for three broken panes of glaſs.

Q. You had a little diſpute about that, I believe?—*A.* Very little, for I never had much talk with her.

Q. Did ſhe ever ſummon you for any thing elſe?—*A.* Yes, for a ſtove-bruſh; but that I knew nothing of.

Q. Then you were very angry with her for that?—*A.* I had no ſpite againſt her.

Q. Has ſhe ever ſummoned you for rent?—*A.* I owed her none.

Q. How long had you lived with her?—*A.* Thirteen months; I was to pay her twenty pence a-week.

Q. Had you paid her all that?—*A.* I ſent her the keys and the money.

Q. Do you mean to ſwear that ſhe did not ſummon you for rent?—*A.* She did not.

Court. Q. According to this account, you have known this woman for ſome time?—*A.* Yes; ſhe is a rope-maker's wife, his name is Joſeph Glave.

GEORGE LEARMAN *ſworn.—Examined by Mr. Conſt.* I went out with my mother on Saturday night, between eleven and twelve, and ſaw the priſoner coming out of a pair of folding-doors, at Mr. Holcomb's houſe, with a bed.

WILLIAM ELBY *ſworn.*—I am an officer of Shadwell: I was employed to apprehend Mrs. Glave, at her houſe in Glaſshouſe-fields; ſhe abſconded; I ſaw her huſband on the Monday, the 23d, I told him it would be as well for her to come up in the morning, the 24th, and he told me that ſhe ſhould; inſtead of that, Mr. Haines, and I, and another officer, got up early in the morning, and waited for the houſe being open, with a ſearch warrant; that was about ſeven o'clock; the priſoner was there; and while we were there, the huſband came in, I aſked him to open a cheſt that was in the room; I aſked him what was in it, he told me there was nothing but feathers; in ſearching, I found this looking-glaſs; and here is a ſample of the feathers; *(producing them)*: I found two or three duplicates upon her, and two duplicates ſhe threw down upon the floor; I picked them up, and it contains a bed-tick pawned for five ſhillings, in a different name to that ſhe goes by; ſhe ſaid ſhe bought it of a Jew in Roſemary-lane, ſhe gave ſix ſhillings for it; the pawnbroker is here; ſhe told me ſhe had had this glaſs for a good while.

Q. How many feathers might there be?—*A.* They were three or four inches deep.

Croſs-examined by Mr. Alley. Q. You went to the huſband's houſe on the Monday?—*A.* Yes.

Q. And, notwithſtanding that, on the Tueſday morning you found her at home?—*A.* Yes.

JOSEPH HAYNES *ſworn.*—I went with Mr. Elby; I know no more than he does.

JAMES BALL *ſworn.*—I know the priſoner at the bar: I live at Mr. Dexter's, a pawnbroker, in Whitechapel-road; ſhe pledged with me a bed-tick for five ſhillings, on the 23d of April. *(Produces it.)*

Q. Look at that duplicate?—*A.* That is my writing, I gave it her; ſhe pledged it in the name of Aſtor.

Mr. Conſt. That is her maiden name.

Q. *(To Stone.)* Can you undertake to ſwear that that is the tick of a bed that was in Mr. Holcomb's houſe?—*A.* I lay upon the bed near three weeks, and I made it every night, and have no doubt but it is the ſame bed; I have not the leaſt doubt about it.

Q. Do you know any thing of the glaſs?—*A.* No; I cannot ſay about the glaſs.

Croſs-examined by Mr. Alley. Q. You are ſervant to Mr. Holcomb?—*A.* Yes.

Q. You were before the Magiſtrate?—*A.* Yes.

Q. Were not you examined about the identity of ſome bed-curtains that were produced?—*A.* Yes.

Q. Did you not undertake to ſay that theſe bed-curtains were in the houſe?—*A.* I ſaid they were like them.

Q. Did you not ſay they were the curtains that were in the houſe, till the perſon came forward, and proved that they were in his poſſeſſion?—*A.* I never ſaid any thing but that they were like them.

Q. The curtains hung round the bed, and of courſe, you had a better opportunity of being acquainted

quainted with them than you could have of the tick? —*A.* No, I cannot ſay that I had; only in regard to the pattern.

Q. And you made no obſervation upon the bed, but when you were making it?—*A.* No.

Q. There are many qualities and ſizes of ticking?—*A.* Yes.

Q. Do you not think you are as likely to be miſtaken in the one as in the other?—*A.* I have no doubt it is the ſame tick.

The priſoner left her defence to her Counſel.

One of the Jury. *Q.* I wiſh to know by what particular mark you can diſtinguiſh that bed-tick from another of the ſame ſize and ſtripe?—*A.* There is an addition made to it in widening it, and alſo a very remarkable ſeam.

Jury. Nine bed-ticks out of ten are made in the ſame way; that is not an addition, but the way in which they are uſually made.

The priſoner called Rebecca Wright, who gave her a good character.

GUILTY (Aged 39).

Of ſtealing goods to the value of 4s.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury, before Mr. Juſtice GROSE.

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383. JOHN CASTLE was indicted for feloniouſly ſtealing, on the 17th of May, five pounds weight of pearl-aſh, value 2s. 6d. the property of John Kent.

JOHN KENT *ſworn.*—The priſoner was a ſervant of mine; I am a refiner of ſalt-petre and pearl-aſh: Having a ſuſpicion of the priſoner, I went with an officer to ſearch his houſe; upon ſearching his lodgings, we found four or five pounds of pearl-aſh in his room; upon comparing them with the caſk that I ſuppoſed they came out of, they appeared to be the ſame.

Q. You cannot ſwear poſitively to them?—*A.* Yes, I can; by their being my own manufacture, and by the make and ſhape of them; and there were ſome pieces that were broke from what was left in the caſk, which tallied exactly; the moment I ſaw it, I ſaid, this comes out of ſuch a caſk; we have loſt a great deal of late. The priſoner has lived with me, I believe, near twelve months.

Croſs-examined by Mr. Alley. *Q.* You manufacture yourſelf?—*A.* Yes.

Q. You have a very conſiderable manufactory?—*A.* Yes.

Q. You have a partner, I believe, in the buſineſs?—*A.* No.

Q. Was the priſoner at home when you went to his lodgings?—*A.* No.

Q. How do you know they were his lodgings?—*A.* The officer and my foreman can tell more about that.

Q. Have you got thoſe other pieces, that you ſay tallied with theſe?—*A.* No, I have not.

Q. Do you think it poſſible for a man to ſwear to one piece of pearl-aſh for another, merely becauſe it happens to tally?—*A.* Yes.

Q. You ſend a great quantity of pearl-aſh about town?—*A.* Yes.

EDWARD SILVERWOOD *ſworn.*—I am foreman to Mr. Kent's factory: I had ſome reaſon to believe my maſter was robbed; I miſſed a great deal of pearl-aſh; I have frequently ſeen my maſter's property in the priſoner's pocket; when I have not ſeen it, I have ſeen his pockets loaded; I was afraid to take him, there being three men together, going out to breakfaſt; I was afraid of being knocked down; I told my maſter of it, and he got a ſearch-warrant, and went to the priſoner's houſe.

EDWARD ROGERS *ſworn.*—On the 17th of this month, Mr. Kent came to the Shadwell-office, and got a warrant; I went to the priſoner's houſe, and was directed to the upper ſtory, I went up, and there was a woman there.

Q. Did the priſoner acknowledge that they were his lodgings?—*A.* He told me they were; in the afternoon, after he was in cuſtody, in that room, I found this property, this bag was lying in the room, and this pearl-aſh, in this cloth, lying on the bag, *(produces them)*; I aſked his wife to open a trunk, and ſhe gave me the key out of her pocket, I found nothing elſe; I took the priſoner in the evening working at a rope-ground, at Stepney; I took him to the office.

Q. (To Mr. Kent.) Was not he in your ſervice at that time?—*A.* In the morning he was, but had abſented.

Rogers. The priſoner ſaid, that the former foreman had given him little quantities of pearl-aſh for his own uſe, and he thought he had a right to take them, becauſe the other foreman had given them to him.

Croſs-examined by Mr. Alley. *Q.* He ſaid, the apartments you were at were his?—*A.* Yes; I pointed out the garrets and aſked if they were his; and he ſaid, yes.

Q. Did he ſay whether he had apartments in the houſe, or that the apartments you were in were his?—*A.* He ſaid, the garrets, were his; the doors were both open.

Q. There were other lodgers in the houſe?—*A.* Yes.

Q. He ſaid, he thought he had a right to take ſome, becauſe the former foreman had permitted it?—*A.* Yes.

Q. What did you ſay to him, did you not tell him

him it was a trifling thing, and he had better tell the truth?—*A.* By no means, I would not ſay ſuch a thing.

WILLIAM ELBY *ſworn.*—I was with Rogers, that is all I know of it.

Q. (To Silverwood.) Look at theſe pearl-aſhes, can you undertake to ſwear that thoſe are part of Mr. Kent's property?—*A.* It is impoſſible, the air has taken them; I could have ſworn to them at the time that they came out of a Ruſſia butt that held about eleven hundred weight.

Q. Can you ſwear that the aſhes brought from the priſoner's to Mr. Kent's were his aſhes?—*A.* I have no doubt of it; when I put them together they tallied exactly.

Mr. Kent. The officer was preſent when they were compared.

Q. (To Rogers.) Did you ſee them compared?—*A.* Yes; Mr. Kent put them together, and they ſeemed to match exactly.

Priſoner's defence. I have lived with Mr. Kent about ſix months; a fellow-ſervant told me it was very common for the men to have a little pearl-aſh for their own uſe; Mr. Silverwood and I have had words ſeveral times; thoſe were not my lodgings that theſe aſhes were found in.

The priſoner called three witneſſes, who gave him a good character.

Court. (To Mr. Kent.) *Q.* Did you ever give them leave to take any little quantity for their own uſe?—*A.* Never in my life.

GUILTY (Aged 27.)

Confined twelve months in the Houſe of Correction, and fined 1s.

Tried by the firſt Middleſex Jury, before Mr. Juſtice GROSE.

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384. AARON HEAL was indicted for feloniouſly ſtealing, on the 26th of April, a muſlin handkerchief, value 1s. 6d. and a cotton ſhawl, value 1s. 6d. the property of Marthaugh D'Arcey.

MARY D'ARCEY *ſworn.*—I am the wife of the proſecutor, I keep a public-houſe in Lower Shadwell, the priſoner was quartered upon us: On the 26th of April, I went up ſtairs, I had locked my chamber-door about a quarter of an hour before, and left the key in it; I found it open, I was very much alarmed at it, I took courage and went into the room, and ſaw a man's feet under the bed; I ſcreamed out, and a man that is here came up ſtairs, and looked under the bed, and ſaw it was the priſoner; I told him to fetch an officer, and when he came, he found a double muſlin handkerchief in his boſom, and a ſhawl dropped from him on the ſtairs.

Q. Were had the ſhawl and handkerchief been in your houſe?—*A.* The ſhawl was in a double cheſt of drawers, and the handkerchief was in another, half dirty.

Q. Were either the handkerchief or ſhawl in a drawer locked?—*A.* No; there were no locks broke open.

Q. What did the priſoner ſay?—*A.* Some other people came in, and he began fighting; I did not hear him ſay any thing.

WILLIAM BALDWIN *ſworn.*—I was in Mrs. D'Arcey's houſe; I heard her ſcream, and I went up ſtairs, and ſaw the priſoner under the bed; he came from under the bed, and I went and fetched an officer.

ROBERT BROWN *ſworn.*—I am an officer: I was ſent for to Mrs. D'Arcey's on the 26th of April; I went up ſtairs, when I got up to the landing-place, I ſaw the priſoner lying upon his back, a great deal of violence appeared to have been uſed upon him by ſome of the parties; I aſked him what was the matter; and he ſaid he had done wrong, and in conſequence of that, I told him I was an officer; he ſaid, if you are an officer I will ſurrender to you; I took the man from them, got the priſoner upon his legs, and ſearched him; I found this handkerchief in his boſom, and this ſhawl was delivered to me by a man that found it on the ſtairs.

Mrs. D'Arcey. I know this ſhawl to be mine, it has been torn by a latch.

Mr. Alley. *Q.* The ſhawl you never ſaw in his poſſeſſion?—*A.* No.

Q. I believe the poor fellow was very drunk?—*A.* I cannot ſay.

Mr. Alley. (To Brown.) *Q.* Was the priſoner drunk?—*A.* He was rather worſe for liquor.

The priſoner called his ſerjeant, and one other witneſs, who gave him a good character.

GUILTY (Aged 21.)

Confined twelve months in the Houſe of Correction, and fined 1s.

Tried by the firſt Middleſex Jury, before Mr. Juſtice GROSE.

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385. PENELOPE JOHNSON was indicted for feloniouſly ſtealing, on the 2d of March, a cotton gown, value 9s. the property of Daniel Lorey.

DANIEL LOREY *ſworn.*—I live in Wingfield-ſtreet, Spitalfields: I loſt a cotton gown the 2d of March, out of my yard, it was hung up to dry; I ſaw it about twelve o'clock that day before it was hung out; I found it at a pawnbroker's about ſix weeks after.

JOSEPH BRODIE *ſworn.*—In the middle of April I bought a gown for ſix ſhillings of the priſoner at the bar, I am ſure ſhe is the perſon; my maſter is a pawnbroker, and a wholeſale clothes-dealer.

Q. What day of the week was it ſhe brought it to you?—*A.* I forget the day of the week, it was towards

towards the evening, about ſeven o'clock; I think ſhe ſaid that her huſband had bought it for her in Roſemary-lane, and that he was now gone as a ſailor.

Q. Did you know her before?—*A.* No. *(The gown produced).*

RACHEL SEXTON *ſworn.*—I mended the gown for Mrs. Lorey, and altered it before it was waſhed; I know this gown to be Mrs. Lorey's.

Priſoner's defence. This gown was bought for me by my huſband. NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. Juſtice GROSE.

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386. MARY WILLIAMS was indicted for feloniouſly ſtealing, on the 22d of May, a half-guinea, and three ſhillings, the property of John Wilkes.

JONH WILKES *ſworn.*—Laſt Tueſday night I was going down the Broadway, Weſtminſter, and met with the priſoner; I went with her into a houſe, and gave three-pence for a bed; I went up ſtairs and gave her a ſhilling.

Q. How old are you?—*A.* Nineteen; I went on the bed with her, and when I got up I miſſed half-a-guinea, and three ſhillings; I had it in my pocket when I went into the houſe with her, I felt it in my pocket when I went into the room; ſhe pretended to go down ſtairs to light a candle, and never returned. I went down ſtairs to ſeek for a patrol, the patrol found a half-guinea, and three ſhillings, under the grate, amongſt the aſhes; I can ſwear to one of the ſhillings.

ROBERT GREENHILL *ſworn.*—I am a patrol: Laſt Wedneſday morning, about a quarter before two o'clock, I was going my round in the Almonry, I met the proſecutor, he told me he had been robbed of half-a-guinea, and three ſhillings; he ſaid he ſhould know the girl again; I went into the room, and ſearched in the tea-pot, and every where I could think of; at laſt I found the half-guinea, and three ſhillings, amongſt the aſhes under the grate; he deſcribed one of the ſhillings to me as being marked with No. 8, and an H. *(Produces the money).*

Wilkes. This ſhilling I know to be mine.

Priſoner's defence. The man went with me, and that ſhilling that he has ſworn to is the ſhilling he gave me; the other money I found upon the bed after he was gone. NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. Juſtice GROSE.

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387. EDWARD LONG was indicted for feloniouſly ſtealing, on the 29th of January, eighteen yards of black ſilk lace, value 3l. the property of John-Henry Bluck, in his dwelling-houſe.

JOHN-HENRY BLUCK *ſworn.*—I am a lace-manufacturer, I keep a ſhop in Biſhopſgate-ſtreet: I loſt ſome lace on or about the 20th of January laſt, about one o'clock in the day; I ſaw the priſoner at the bar come to our ſhop-window, with a little boy with him, I was talking with a gentleman backwards in the accompting-houſe, and I perceived ſomething move in the window; in conſequence of which, I went into the ſhop, and I perceived that a ſquare of glaſs in the window was broke; I perceived the priſoner taking up a card of lace, which is cut off, we have an alley on one ſide of the houſe that I imagine he made his eſcape through; I purſued him but could not take him.

Q. Look at the priſoner, can you undertake to ſwear that that is the perſon?—*A.* I can; I dare ſay he was ten minutes, or a quarter of an hour, about the window, I am perfectly ſatisfied in my own mind as to his perſon; he was not apprehended till the 27th of April; the ſame ſquare of glaſs was broke a ſecond time that day. I had ſeen him four or five days about the houſe prior to that, and did not know whether I ſhould take him or not; the lace I have never found.

Priſoner's defence. I am really innocent.

GUILTY (Aged 18.)

Of ſtealing, to the value of 39s.

Tranſported for ſeven years.

Tried by the London Jury, before Mr. COMMON SERJEANT.

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388. MARY CARLTON was indicted for that ſhe, on the 28th of April, ſeven pieces of falſe milled money, made and counterfeited to the likeneſs of a good ſhilling, the ſame not being cut in pieces, did put off to one Iſrael Mulberry, widow, at a lower rate and value than the ſame did import, that is to ſay, for half-a-crown.

(The caſe was opened by Mr. Ward.)

ISRAEL MULBERRY *ſworn.*—On Saturday, the 28th of April, I went by the direction of the officers of Worſhip-ſtreet, to the priſoner's houſe, in Three-tun-court, Smithfield; they went with me; I received half-a-crown from Mr. Armſtrong, to buy half-a-crown's worth of bad money of Mrs. Carlton.

Q. Do you know if any mark was made upon it?—*A.* I did not ſee it made, but Armſtrong ſhewed me the mark upon it, before I went to Mrs. Carlton's; the officer ſearched me before I went; when I went in Mrs. Carlton was in bed; ſhe aſked me how much I wanted, I told her half-a-crown's worth.

Q. Did you or ſhe ſay of what?—*A.* No. She gave me ſeven pieces, bad ſhillings, and I gave her the half-crown that Mr. Armſtrong gave me; there was another woman in the room, and Mrs. Carlton gave her the half-crown to get her an ounce of tea,

tea, and I ſtaid in the houſe till ſhe came back with the tea; when I came away, I carried the bad money to Mr. Clarke, the officer.

Q. From what place did ſhe give you this bad money?—*A.* From a comb-box under the bolſter.

Q. Did you ſee that woman any more that day?—*A.* Yes, at Guildhall.

Croſs-examined by Mr. Alley. Q. Were you an acquaintance of the priſoner?—*A.* No, I never ſaw her before.

Q. You know this Court?—*A.* Yes.

Q. You have been here before?—*A.* Yes.

Q. You are in the ſame trade as you were before?—*A.* Yes.

Q. You were here a Seſſions or two ago, were you not?—*A.* Yes.

Q. And the Jury would not believe you, and the priſoner was acquitted?—*A.* Yes.

Q. You did it merely to aſſiſt the public, in detecting a bad offender?—*A.* Yes.

Q. And that is as true as all the reſt you have ſwore?—*A.* Yes.

Q. What trade do you follow beſides that of an informer?—*A.* I go out a chairing.

Q. You do not earn any great deal?—*A.* One ſhilling a day.

Q. And ſo you have given up for the good of the public, ſix days work—merely for the good of the public?—*A.* I have ſworn the truth.

Q. The officers ſearched you, they did not put their hands in your boſom, or any other place that would not have been decent, where you might have had ſhillings?—*A.* They could feel whether I had any without putting their hands inſide my boſom.

Q. Do not you know ſhe was very ill at the time?—*A.* No, I do not.

Q. What other woman was in the room at the time?—*A.* I do not know.

Q. The priſoner was ſick in bed?—*A.* She was in bed.

Q. You gave the other woman half-a-crown to get ſome gin to enliven your ſpirits?—*A.* No ſuch thing, I gave it to Mrs. Carlton, and ſhe ſent out for ſome tea.

Q. Upon your oath, did not you give it her, and deſire her to ſend for ſome gin?—*A.* She brought in ſome gin with the tea.

Q. You talk of ſeven pieces, you have been in the copper trade, I ſuppoſe you know five ſhilling's worth of halfpence wrapped up are called pieces?—*A.* No, I do not know that.

Q. And though you were a ſtranger to her, ſhe carried on this traffic, and you were alſo treated with gin into the bargain, beſides having ſeven ſhillings for half-a-crown?—*A.* No, ſhe did not treat me with gin.

Q. You ſat down on the bedſide by the priſoner?—*A.* Yes, while ſhe gave me the money.

Q. Did the officers take the other woman?—*A.* No.

Q. They would not have this woman, though they could, to corroborate your honeſt ſtory?—*A.* No.

Q. I dare ſay you will ſwear that you did not take in theſe ſeven bad ſhillings with you, and that this is not a trick to get ſomething for your loſt time?—*A.* I did not.

JOHN ARMSTRONG *ſworn.*—On Saturday, the 28th of April, I gave Mrs. Mulberry a half-crown piece to purchaſe ſome bad money, which half-crown I marked with a pin in the form of an A on the woman ſide. I pulled Mrs. Mulberry's ſhoes off, and ſearched her ſtockings, her pockets, and her boſom, and ſhe had no money about her; I went to the room, in company with the other officers, where I found Mrs. Carlton and another woman, Mrs. Carlton then was near the ſide of the bed; on the bolſter of that bed ſtood this little comb-caſe, which, when I took it, I found eleven counterfeit ſhillings in it, which are here, *(produces them)*. Mrs. Carlton being taken into cuſtody, I went, with the woman that was in the room with Mrs. Carlton, to Mr. Ward's, and there I ſaw a half-crown that he had from that woman; I deſired him to keep it, I took his addreſs. The priſoner was taken before the Alderman, and committed.

Croſs-examined by Mr. Alley. Q. You ſearched her thoroughly?—*A.* As far as decency would permit, I did.

Q. Do not you know that women very commonly carry their money in little bags inſide their boſoms?—*A.* No; I have ſearched many, and never found ſuch a thing.

Q. Who is this gentleman of the name of Ward?—*A.* A grocer.

Q. I thought he was a gentleman who keeps a gin-ſhop?—*A.* No, he is not, he is here.

JOHN CLARKE *ſworn.*—I am a marſhalman. *(Produces ſeven ſhillings)*; I received them from Mrs. Mulberry.

Mr. Alley. Q. When you went into the room, who did you find there?—*A.* Mrs. Carlton and the other woman.

Q. Did you take the other woman before the Magiſtrate?—*A.* Yes; and ſhe was diſcharged.

Q. She might have been made a witneſs?—*A.* She might.

Q. This comb-caſe is a very convenient thing, if any body wiſhed to play tricks, to carry into any place?—*A.* I did not ſee it carried in, I ſaw it found.

ISAAC WARD *ſworn.*—I am a grocer, on Snow-hill: On Saturday morning, the ſame morning that the officers came to me, a woman came to buy an ounce of tea, for which ſhe paid me a half-crown piece.

Q. Did

Q. Did you ſee the ſame woman again that day?—*A.* Yes; the officers brought the ſame woman. I have got the half-crown, which I have kept apart ever ſince. *(Produces it.)*

Croſs-examined by Mr. Alley. Q. You have a good many cuſtomers in your ſhop about that time in the morning, for breakfaſt?—*A.* Not particularly. There was no other half-crown in the till but that.

Q. Had not you given change that morning?—*A.* No.

Armſtrong. It is the ſame half-crown that I gave to Mrs. Mulberry.

Mr. Ward. Q. Are theſe ſhillings good or bad?—*A.* They are all counterfeit.

Q. Look at thoſe that were found in the comb-box?—*A.* They are all bad.

The priſoner left her defence to her Counſel.

GUILTY.

Confined one year in Newgate, and fined 1s.

Tried by the London Jury, before
Mr. COMMON SERJEANT.

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389. JOHN ROBINSON was indicted for feloniouſly ſtealing, on the 26th of March, a pannel ſaw, value 7s. a carcaſe ſaw, value 7s. a faſh ſaw, value 12s. a dove-tail ſaw, value 5s. a ſtock, value 7s. twenty-ſeven bits, value 13s. and one ſaw pad, value 1s. 6d. the property of John Weſtfield.

JOHN WESTFIELD *ſworn.*—I am a cabinet-maker; the tools were loſt out of my cheſt; I went out of town the 12th or 13th; I left it in Banner and Bruce's ſhop, the corner of Long-acre; I ſtaid in the country ſix weeks. When I returned, I found the cheſt broke open in the ſhop, and the articles in the indictment taken out; they have all been found ſince. In conſequence of a ſuſpicion, I went to Worſhip-ſtreet, got a warrant, and went with an officer to ſearch the priſoner's lodgings; I found the ſmall ſaw pad in his cheſt, and we found the duplicates of all the reſt, except one ſaw, which we found; the duplicate had been loſt.

Croſs-examined by Mr. Alley. Q. You and the priſoner were on very good terms, and worked together?—*A.* He was only as porter, he is a carpenter by trade, and our ſhop is a coachmaker's.

Q. But he works occaſionally, and has uſe for ſaws as well as you?—*A.* Yes.

Q. A great many men work in the ſhop?—*A.* Yes.

Q. It was in the ſhop that your cheſt was?—*A.* Yes.

Q. How many men are there in the ſhop?—*A.* In the ſhop that my cheſt was in, ſometimes ſeven, ſometimes eight, and ſometimes nine.

Court. Q. You never lent him theſe tools?—*A.* I have lent him tools, but I do not recollect ever to have lent him theſe; I am certain they were locked up in my cheſt when I went away.

JOHN WRAY *ſworn.*—I am an officer: The proſecutor came to our houſe for a ſearch-warrant, on the 26th of April, to ſearch the apartments of the priſoner, No. 3, Hackney-road; I went there, and aſked the woman of the houſe if he was at home, ſhe ſaid he was not, nor did he lodge in the houſe; I was confident he did; I went up ſtairs, and opened two boxes there; I found a number of duplicates, ſome for ſaws, and one for a ſtock and centre-bit; I learned that he worked at the India-houſes, and I went from one to another till I found him; the proſecutor was there; and he begged for mercy.

WILLIAM CROUCH *ſworn.*—*(Produces a ſtock and bits, and ſaw.)* On the 31ſt of March I took them of a young woman, who ſaid they were her huſband's, and his name was John Weſtfield; the name upon the ticket is John Weſtfield, lodging in York-ſtreet; the name on the ſtock is the ſame.

Croſs-examined by Mr. Alley. Q. I believe you know it is no unuſual thing, when poor people have duplicates that they ſell them, and honeſt perſons ſometimes get poſſeſſion of duplicates of things improperly come by?—*A.* It is very often the caſe.

Weſtfield. This is my ſaw, it is of my own ſharping; the ſtock has my own name engraved upon it at length.

Mr. Alley. Q. Do you mean to ſwear that that is your ſaw, merely becauſe it is of your ſharping—do you ſharpen differently from any body elſe?—*A.* There is a great deal of difference in ſharpening, the ſame as difference in hand-writing.

Q. Becauſe it is done in a more bungling way than common, perhaps?—*A.* I do not know but it is.

Q. Any young beginner might blunder in the ſame way?—*A.* There is as much difference as there is in hand-writing; and there is a ſtain of porter upon it that I know it by.

Q. Have you never ſold or ſwapped any ſtock?—*A.* Never.

——— TYLER *ſworn.*—I am a pawnbroker: *(Produces a dove-tail ſaw and a pannel ſaw);* I took them in on the 29th of March; the dove-tail ſaw was taken in of a man, I think the priſoner at bar; it was pledged in the name of John Robinſon; the other ſaw was taken in of a woman, pledged for John Robinſon.

Mr. Alley. Q. You are not certain whether it was the priſoner or not?—*A.* No.

Weſtfield. Theſe are both of them my ſaws.

Mr. Alley. Q. If you had ſeen that ſaw fifty miles from London, and did not know that you had been robbed, would you have ſaid that was your

your ſaw?—*A.* I might not have taken that notice.

The priſoner left his defence to his Counſel, and called ſeveral witneſſes, who were not examined.

GUILTY (Aged 24.)

Confined three months in Newgate, and fined 1s.

Tried by the London Jury, before
Mr. COMMON SERJEANT.

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390. ESTHER URIN and ELIZABETH SPARKES, alias SMITH, were indicted for feloniouſly ſtealing, on the 12th of May, a canvaſs bag, value 1d. ſix ſhillings, and half-a-crown, the goods and monies of Edward Goodram.

EDWARD GOODRAM *ſworn.*—I am a corn-porter: I was coming home from Milford-lane, about one o'clock in the morning of the 12th of May; I had ſtopped there ſo late to ſhift ſome craft; and coming round the corner of Bridge-ſtreet, Blackfriars, I ſtopped to make water, and Urin came and caught one arm round me, and the other hand in my pocket, I directly attempted to ſhove her off with my right hand, and I found her hand hung in my pocket, and directly another woman came up, and took ſomething from her, but what I could not ſee.

Q. Were you ſober?—*A.* Yes; as ſober as ever I was in my life.

Q. What did ſhe take from you?—*A.* Six ſhillings and half-a-crown, in a canvaſs bag; I immediately called the watch, and told her I ſhould take her to the watch-houſe; ſhe ſaid, if I took her to the watch-houſe, ſhe was done; and I told her, if ſhe would return me half the money, I would not take her to the watch-houſe; the patrol took the other woman. After ſhe had been in the watch-houſe, ſhe owned that ſhe had given it to Sparkes, but I cannot ſwear that ſhe was the other woman.

Q. Are you ſure Urin is the woman?—*A.* I am very ſure ſhe is the woman; I never parted from her till I got her to the watch-houſe.

——— MIDDLETON *ſworn.*—The proſecutor brought this woman to the watch-houſe, and gave me charge of her.

——— CHALICE *ſworn.*—The proſecutor brought Mrs. Urin to the door of the watch-houſe, about one o'clock in the morning, and gave me charge of her.

Priſoner Urin's defence. I was going down Bridge-ſtreet, and ſaw the proſecutor with this woman and two others, and he came up and ſaid he wanted to ſpeak to me; I went up to him, and thought he was going to give me ſomething, and he ſaid he had loſt his money; he caught hold of my hand, and ſaid I had got it; I am a cripple in this hand, and have been ever ſince I was born; I never ſaw a farthing of his money.

Urin, GUILTY (Aged 52.)

Confined three months in Newgate, and fined 1s.

Sparkes, NOT GUILTY.

Tried by the London Jury, before
Mr. COMMON SERJEANT.

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391. WILLIAM BROWN and WILLIAM BARNETT were indicted for feloniouſly ſtealing, on the 15th of May, fifty-five pieces of printed cotton cloth, containing 1500 yards, value 150l. the property of Thomas Jackſon, James Jackſon, and Robert Potts.

Second Count. Laying it to be the property of John Morſon.

Third Count. Laying it to be the property of Joſeph Lamb, Robert Scott, Robert Ormiſton, John Foſter, and Robert Wildy.

(The caſe was opened by Mr. Knowlys.)

DAVID FOSTER *ſworn.*—On the 2d of May I delivered a package to the Carliſle waggon, marked M. No. 77, carriage paid, May 2d; it contained ſeventy-eight pieces of printed cotton.

Q. Who were the proprietors of that cotton?—*A.* Joſeph Lamb, Robert Scott, Robert Ormiſton, John Foſter, and Robert Wildy.

Q. Who was it intended to go to?—*A.* To Mr. Morſon.

Croſs-examined by Mr. Knapp. (Counſel for Brown.) *Q.* There were a great number of other parcels delivered to this waggon?—*A.* Yes.

Q. You are now ſpeaking from recollection?—*A.* Yes; I do recollect it.

Q. Do you recollect any other packages that were delivered that day?—*A.* Yes; there was another bale for Mr. Morſon delivered the ſame day.

Croſs-examined by Mr. Gurney. (Counſel for Barnett.) *Q.* Did you yourſelf pack up this?—*A.* No.

Q. Then, of your own knowledge, do you know that it contains ſeventy-eight pieces of printed cotton?—*A.* I do.

DUNCAN PYRKE *ſworn.*—*Examined by Mr. Knowlys.* I am apprentice with Mr. Morſon in Watling-ſtreet.

Q. Did any package come from Carliſle to Mr. Morſon's houſe, from Meſſrs. Lamb, Scott, and Company?—*A.* Yes.

Q. Did you receive a package, No. 77?—*A.* Yes.

Q. Did that package come with its full contents?—*A.* No; we received but twenty-three pieces in that package.

Court. *Q.* What day did you receive it?—*A.* On the 15th of May.

Q. Was

Q. Was that the regular day for receiving it by the waggon ſetting out from Carliſle on the 2d of May?—*A.* I do not know exactly; it does not always come on the regular day.

Croſs-examined by Mr. Knapp. Q. It is not within your knowledge to know the exact time it ought to arrive?—*A.* Not within a day.

Q. Were you in your maſter's premiſes when the cart arrived with theſe goods?—*A.* I was in the warehouſe when the man arrived with the goods on his back.

Q. Is that man here?—*A.* No.

Q. How long was it before you were able to diſcover that there was ſome part of the package wanting—did any body elſe make the obſervation before you?—*A.* Mr. Jobling did; he is here.

Q. Is the man here that brought it you?—*A.* I do not know that he is.

JOHN JOBLING *ſworn.—Examined by Mr. Knowlys.* I keep the White Horſe inn, Cripplegate: The Carliſle waggon came to our inn on the 15th of May.

Q. Had you any waggon and package marked M. No. 77?—*A.* Yes; I obſerved that the bale had been cut open on one ſide.

Q. Was the bale complete?—*A.* No.

Q. How much did it weigh when it arrived?—*A.* About an hundred and three quarters; I followed the man to Mr. Morſon's, and ſaw the bale counted out.

Q. Did you afterwards receive that which was ſuppoſed to make up the other quantity?—*A.* Yes; from the conſtable, about two in the afternoon of the ſame day, fifty-five pieces, which made up the quantity correſponding with the way-bill.

Q. Where have theſe fifty-five pieces been ſince?—*A.* They were ſealed up by the conſtable, and have been in my poſſeſſion ever ſince, under lock and key.

Croſs-examined by Mr. Knapp. Q. Who was it brought them to the inn?—*A.* They came in a cart to our inn.

Q. Who was the driver of that cart?—*A.* I do not know; it was a cart the waggoner was obliged to hire a cart.

Q. The waggoner, of courſe, knew him?—*A.* Yes.

Q. And therefore we might have ſeen him here, if your waggoner had given him information where he was to be had?—*A.* He is not here.

Q. How far did he drive this cart with the property?—*A.* Eighteen or nineteen miles; he took the cart about eleven or twelve o'clock the evening before, and arrived about eight at night.

Q. But you did not aſk the name of the man who actually drove, and have not him here to-day?—*A.* The carter is that kind of young man, that I do not think he could know any thing about it.

Court. Q. He is not here?—*A.* No.

JOSEPH GREEN *ſworn.*—I am a waggoner: I had the charge of Meſſrs. Jackſons' waggon, at Fairburn, in Yorkſhire.

Q. Do you remember ſeeing any package in your waggon, marked M. No. 77?—*A.* Perfectly well.

Q. Was your waggon pretty well loaded?—*A.* It was over-loaded.

Q. When did you ſee that package laſt?—*A.* I ſaw it at Hatfield Wood-ſide, in Hertfordſhire, about eighteen miles from London; that was about four in the afternoon; I got two horſes of the landlord, and unloaded this package, with others, the waggon being over-loaded, and put them into a cart; the waggon went firſt, and the cart followed it; we ſet off from Hatfield Wood-ſide exactly at twelve o'clock; I went with the waggon and the cart both as far as Potter's-bar, about fourteen miles from London; at Potter's bar I got into the waggon.

Q. Who took care of the cart?—*A.* A man that I employ, of the name of Eccles; the cart was drove by a man employed by the landlord to drive the cart.

Q. How were the packages in the cart ſecured?—*A.* Tied round with a rope. When I got within about a quarter of a mile of the high-ſtone, I heard that there had been a loſs; in conſequence of that, I got out of the waggon, and went to the cart; I found the rope cut, and the tarpaulin cut; then I examined, and miſſed a quantity of prints out of the bale.

Q. Was it out of that bale marked M. No. 77?—*A.* Yes, it was; I immediately got upon my poney, and rode back; when I got a little way, I met a man with a hay-cart; in conſequence of what I heard from him, I proceeded down a road called the Chaſe-road, and ſaw a freſh track of wheels that had turned down that way, near Galley-corner; I cannot ſay whether it is in Middleſex or Herts; when I had got about a quarter of a mile down the Chaſe-road, I met the tall man at the bar (Barnett) in a brown coat, I wiſhed him a good morning, and gave him the time of the morning, and he did me the ſame; when I got further on, I found another waggon; and, by information, I purſued the track till I got almoſt to Southgate; at the end of Southgate, there is a little lane upon the right hand, I perceived the freſh track go down that lane; I then rode to Mr. Day's houſe, about four hundred yards from the lane, and called him up, and told him what I had obſerved, and then I went and called up Sayer the conſtable; then we returned to the bye-road, where I had

I had ſeen the track go down, and when I got there, we ſaw a cart and horſe ſtand within the brick fields; in conſequence of what the landlord ſaid, I jumped over the paling, and went into the brick fields, I ſaw Brown, the priſoner, covering ſome ſtraw upon the property; as ſoon as he ſaw me, he made the beſt of his way to his cart and horſe, which ſtood juſt by; I went into the ſhed where the goods laid, I liſted up the ſtraw, and ſaw the prints lie; I immediately went to Brown, and caught him by the collar; I aſked him if he knew what laid under that ſtraw, he ſaid, no, he did not; I told him I would learn him to know before I had done with him. He rather refuſed to be held by me, and wiſhed I would let him go; I told him I would not, for he had robbed me of my property, and he was my priſoner; this was about four o'clock, as near as I can gueſs. He ſaid the cart and horſes were his, and inſiſted upon my letting him take them away; after ſome little heſitation, he got away, and made his eſcape; I ran after him, and he jumped over the hedge into the high-road again. I told him he might run as he would, for he was guilty, I had got his horſe and cart, and I would have him, let the conſequence be what it would. He returned back, and I took him to the horſe and cart again, and, with a little converſation, he aſked me what I would have to make it up with him; I told him I did not know, if he would go to the public-houſe, Mr. Day's, I would talk with him about it; he heſitated a minute or two, and looked down the road, and ſaw the priſoner Barnett coming up, and he ſhouted to him to come to his aſſiſtance; he ſaid, here, here; before he could come up, the conſtable and a young man came up, then I gave the conſtable charge of him; before the conſtable could get hold of him, he ran away again, and we caught him again.

Q. Did you hear whether Barnett ſaid any thing? —*A.* He ſeemed to make a puſh for it juſt at the firſt, but the conſtable came up, and took charge of Brown.

Q. Did you go to the place where you ſaw Brown covering over theſe things with ſtraw?—*A.* Yes.

Q. How many pieces of cotton did you find there?—*A.* Fifty-five.

Q. Was there any thing there beſides the pieces of cotton?—*A.* There was a ſack laid by the ſide of them, and there were the cuſhions belonging to Brown's cart.

Q. What became of thoſe pieces of cotton?—*A.* As ſoon as the men were in cuſtody, I fetched baſkets, and took them to Day's houſe.

Q. Were they ſuch as a man could carry?—*A.* Not in that ſituation; a man might carry them if they were done up tight, they took me three turns.

Croſs-examined by Mr. Knapp. *Q.* The firſt time you had any ſuſpicion that you had loſt any property, was near Potters-bar?—*A.* Between Potters-bar and Barnet.

Q. The carter's name you do not know?—*A.* No.

Q. You ſaw nothing of Brown at all at Potters-bar?—*A.* No, I did not.

Q. And how far is Potters'-bar from where you found theſe things in the brick field?—*A.* I ſuppoſe it may be three miles, or near four.

Q. And any body might have taken them from Potters-bar, and taken them to Brown, at Southgate?—*A.* It might be ſo, but they were very handy if they did.

Croſs-examined by Mr. Gurney. *Q.* After you had got Brown in cuſtody, you ſaw Barnett coming along the road?—*A.* Yes.

Q. At ſome diſtance?—*A.* Yes.

Q. When you ſay Brown called for aſſiſtance, he only called out, here, here?—*A.* Yes.

Q. Then hearing the cry of here, here, you thought Barnett quickened his pace?—*A.* Yes.

Q. You never ſaw Barnett in the field with him, or with the goods?—*A.* No.

WILLIAM DAY *ſworn.* — *Examin'd by Mr. Knowlys.* I live at Southgate, I keep the Crown: I was called up by the laſt witneſs, on the 15th of May; in conſequence of that, I went with him into a brick-field, about four or five hundred yards above my houſe.

Q. Is the road through which you went leading any where elſe?—*A.* Only leading into the ſame fields beſide the brick fields.

Q. Do you know the priſoner, Brown?—*A.* Yes, he was employed in the brick field by a Mr. Kingſton, who has a contract for making bricks; I went into the field, and as I was going up the road, I ſaw the priſoner Brown's cart; and as ſoon as I got into the field, I ſaw the priſoner and his cart ſtanding by a kind of ſhed uſed for putting in ſand; the waggoner went juſt before me into the ſhed, and I followed him; as ſoon as he got in, he lifted up ſome ſtraw, and there were ſome pieces of cotton; the waggoner came out, and ſaid, he muſt take care of him; Brown ſaid, for what; he ſaid, thoſe were his goods that he had loſt; Brown ſaid, he knew nothing about the goods; the waggoner endeavoured to lay hold of him, and he ran round the cart two or three times; Brown ſoon after made a run up the field into the road, and the waggoner after him; I took the waggoner's poney and rode round into the road to meet him, and ſtopped him; the waggoner then took hold of him, and brought him down towards the cart; Brown aſked me, up in the road, if I could lend him 5l.

Q. Did

Q. Did Brown explain what he wanted you to lend him five pounds for?—*A.* No; I told him I had no money that I could lend; and immediately after came up one of the men, Nicholls, and laid hold of Brown, and took him down to my houſe.

Q. Are you ſure that that cart and horſe was Brown's?—*A.* It was a cart and horſe that Brown has often come to my houſe in.

Q. Did you ſee the place where the pieces of cotton were found?—*A.* Yes.

Q. Did you ſee any thing elſe there beſides the cotton?—*A.* No, I did not. The cotton was conveyed to my houſe.

Q. Did you ſee the other priſoner, Barnett?—*A.* I did not ſee him till after he was taken by the conſtable.

Croſs-examined by Mr. Knapp. Q. You ſay you knew Brown before?—*A.* Yes.

Q. Perhaps you know that he was concerned in a contract for bricks with Mr. Kingſton?—*A.* Yes.

Q. Therefore it was not at all unuſual to find him in his brick field?—*A.* It was a place he had a right to go to.

Q. And he went backwards and forwards whenever he pleaſed, in order to inſpect the workmen?—*A.* Yes.

Q. I think you told my learned friend, it was the waggoner that lifted up the ſtraw, and diſcovered the goods?—*A.* Yes.

Q. Are you ſure you are correct in ſo ſtating it?—*A.* Yes.

Q. Then Brown was not covering them up when you came up?—*A.* No, I was rather behind.

Q. Did Brown, when you came up, allow that they might be his goods, but he knew nothing at all about them?—*A.* He did.

Q. It is a pretty large brick field?—*A.* Yes.

Q. About what hour in the morning?—*A.* About four o'clock.

Q. When theſe goods might be put under the ſtraw I ſhould think you will not ſwear?—*A.* No.

Q. Was it unuſual for Brown to come into the field with a horſe and cart?—*A.* No.

Q. Do you know how long a time Brown had to fulfil his contract with Kingſton?—*A.* No.

Q. You do not know whether it was pretty near being fulfilled, and that it was neceſſary for him to be there early in the morning?—*A.* No, it was juſt began.

Court. Q. When you went into the field did you ſee anybody elſe in the field, or about this place?—*A.* I did not ſee anybody elſe.

Q. You did not ſee anybody running away from Brown's cart?—*A.* No.

ROBERT SAYER *ſworn.*—I am a conſtable at Southgate; I was called upon by the waggoner, Green, about a quarter after four in the morning; I got up and called aſſiſtance; I was ordered to take up a man with a pig tail and a brown coat, and a ſore hand, if I met ſuch a man; I went up the road, and Mr. Day was coming running for me to make all the haſte I could; then I went into the brick field to follow him, there ſtood Mr. Brown's cart, and Mr. Brown by the ſide of it; as ſoon as Mr. Brown ſaw me coming, and another with me, he took to his heels and ran away as faſt as he could, Brown knew me before; then two of my men ran after him over the field, and then he got over into the road, and Mr. Day was there, and they had ſome conſultation together, then my man went up and ſecured Brown; the other man, Barnett, was juſt by, walking down the road for Southgate, as unconcerned as could be; then the waggoner bid me take his horſe and ride after him to take him; I got on the horſe, and took one of my ſons with me, I rode part of the way, and got off the horſe, and ran after him, and told him he was ordered to come back, he came back with me directly without any interruption; then we had got them both at the Crown door, and they ſat down on a bench that was there; then Mr. Brown wanted to get up to ſpeak to Mr. Day, I bid my lad releaſe his collar for him to ſpeak to Mr. Day, and he took to his heels and ran round the corner of Mr. Day's houſe; and as ſoon as Brown ſtarted to run away, the other ſtarted to run the other way; but my brother was coming over the road and picked up a butcher's knife, and he happened to lay hold of Barnett, and brought him back; I ſent for a pair of handcuffs and handcuffed them together; I heard Brown ſay, ſeveral times, that he had no money in his pocket, and he dare ſay Mr. Day would lend him five guineas to give the waggoner; then I took them into the houſe, and ſearched Barnett firſt, I found nothing in his pocket at all; then I ſearched Brown, and found the tin plate of his cart in his pocket, with his name, and the words "a taxed cart" wrote upon it; then I went to the cart, and there was a brown coat in the cart, and a ſack; the ſeat of the cart was taken out, and was not there at all; the cuſhions of the cart laid where the property was; then I brought the coat, and neither of them would own it; when I went before the Juſtice Mr. Brown recollected and ſaid it was his coat.

Q. What became of the cloth?—*A.* It was up in the ſand place, and I lent a hand afterwards to get it away; I took it in a cart to Mr. Jobling's, the White-horſe, and there I ſealed it down with three ſeals.

Croſs-examined by Mr. Knapp. Q. Where is this brick field?—*A.* Leading from Southgate to Potters-bar.

Q. In

Q. In what pariſh?—*A.* Eaſt Barnet.

Q. That is in Hertfordſhire?—*A.* Yes.

Q. Is any part of the road from Galley-corner to the brick field in Middleſex?—*A.* Every part of it.

Creſs-examined by Mr. Gurney. Q. You ſay Barnett was going along the road as unconcerned as could be?—*A.* Yes.

Q. You never ſaw him in company with Brown before that?—*A.* No.

Mr. Knapp. Q. Are you ſure it was a brown coat?—*A.* Yes, I have the coat here.

JOHN NICHOLLS *ſworn.*—I went with Sayer the conſtable in purſuit of theſe people; I was called up by the conſtable and was ordered to lay hold of Mr. Brown, I took him to Mr. Day's public-houſe while they went after Barnett; when I got to Day's houſe, Brown ſaid, he would be glad if Mr. Day would lend him any ſum of money to make it up with the waggoner, what the waggoner ſhould wiſh to have, and then they brought Mr. Barnett up at the ſame time; then Brown made an attempt to get off, he had got away, and I followed him and got him again, and Barnett made a ſtart at the ſame time, the other way; Barnett got a very little way, I ſuppoſe not ten yards, the waggoner ſtopped him; I went after Brown. *(Some of the cloth produced).*

Mr. Foſter. This was our's, I know it by the number.

Court. Q. Is there any mark there?—*A.* Yes; here are two or three, here is Lamb and Company, Carliſle; it is made by the perſon that meaſures them.

Mr. Knapp. Q. There are more in your warehouſe with that mark?—*A.* Yes; there is the ſame mark of Lamb and Company upon all the other pieces; there is the number of the print field upon it.

The priſoners left their defence to their Counſel. Brown called five witneſſes and Barnett one witneſs, who gave them a good character.

JOHN NICHOLLS *ſworn.*—I am ſervant to the priſoner Brown, I ſaw him harneſs his horſe that morning about half paſt three o'clock.

Mr. Knapp. Q. *(To Day.)* How far is it from Tottenham High-croſs to Galley-corner?—*A.* About eight miles; the brick-fields are much about the half way.

Q. *(To Nicholls.)* Are you ſure your maſter took his horſe at half paſt three in the morning?—*A.* Yes.

Mr. Knowlys. Q. How do you know it was half paſt three?—*A.* By our own clock in the houſe.

Mr. Knapp. Q. Then, if he had gone from Tottenham to Galley-corner, and back again to the brick field, that would have been twelve miles?—*A.* Yes.

Priſoner Barnett. I had been to St. Alban's to ſee an aunt, and when I got there I found ſhe was dead; I did not want to ſtay, I wanted to go to Blackwall; I enquired if there were any coaches going to town, I could not hear of any, and I ſet off towards Blackwall to go to Southgate, through Highgate and that way, the nigheſt way to Blackwall; I had every opportunity of getting away, if I had been guilty, when I was called to by the conſtable.

Q. *(To Green.)* You ſaid that Brown ſhouted to Barnett, which way was Barnett then going?—*A.* Towards London.

Brown, GUILTY (Aged 28.)
Tranſported for ſeven years.
Barnett, NOT GUILTY.
Tried by the firſt Middleſex Jury, before Mr. Juſtice GROSE.

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392. WILLIAM STACEY was indicted for feloniouſly ſtealing, on the 20th of January, a cloth coat, value 40s. a Bath beaver great-coat, value 24s. a pair of leather boots, value 20s. a pair of corderoy breeches, value 3s. a cloth coat, value 7s. a linen waiſtcoat, value 5s. and a linen ſhirt, value 2s. the property of Henry Freer, in the dwelling-houſe of Charles Ellington.

HENRY FREER *ſworn.*—I am a private in the third regiment of Foot Guards: I lodged in the houſe of Charles Ellington, No. 38, Duke-ſtreet, St. James's; I went to lodge there on Thurſday the 18th of January, and on Saturday morning I breakfaſted with Mr. and Mrs. Ellington, then I went to work, at Mr. Thomas's, in St. James's-ſtreet; I am a breeches-maker; I ſtopped to finiſh ſome work before I went out, and Mr. Ellington came up and aſked me to conſent that the priſoner ſhould ſleep with me, and as they had been very civil to me, I conſented; I finiſhed my work, and took it to the ſhop; I left the ſhop about nine o'clock, and we had a pot of beer and ſome bread and cheeſe; I got home a little before or a little after eleven on the Saturday night; when I came home, the landlady told me he was gone up to bed, I ſoon went up after, and ſaw the door a little open; I was a little alarmed; the bed was facing the door; I looked, and ſaw nobody in bed; my box was at the bed's feet, and that was burſt open with a ſcrew-driver; the ſcrew-driver is here that it was done with; I left the box locked when I went out, between eleven and twelve; I lifted the box lid up, and found my property mentioned in the indictment gone; *(repeats them);* I have found all the things again but the waiſtcoat; they were at different pawnbrokers; I ſhould know them again; Bly the conſtable went with me; the coat and breeches were delivered to me at Queen-

ſquare,

ſquare, the other things were found to-day; when the priſoner was committed laſt from Bow-ſtreet, he told me where to find the things.

Q. And you found all this property by his direction?—*A.* Yes; all that I had not found before.

CATHERINE ELLINGTON *ſworn.*—I am the wife of Charles Ellington: Henry Freer lodged in our houſe; I had the key of the room in my pocket all day on the Saturday; the priſoner came in at ten o'clock; I aſked him, whether he choſe to go to bed then, or whether he would wait till Freer came in; he ſaid, he choſe to go then, and my little boy lighted him up into the proſecutor's room, and he aſked particularly the way out, as he ſhould have to get up ſoon in the morning; I ſhewed him the private door; I heard him run down in ten minutes after he had been lighted up, as I thought; I ſat at work by the fire cloſe to the ſtaircaſe.

Q. But you cannot ſay, not ſeeing that perſon, who it was?—*A.* No, I cannot.

Q. Are you perfectly ſure that the priſoner is the man you let in?—*A.* Yes.

CHARLES ELLINGTON *ſworn.*—I am the huſband of the laſt witneſs: I know no further than I let the priſoner the lodgings; I was not at home when he came in the evening; I am ſure he is the man.

WILLIAM CHAMBERLAIN *ſworn.*—I am a pawnbroker. *(Produces a ſhirt.)* I had a pair of corderoy breeches alſo, which I delivered up at Queen-ſquare. I do not know the priſoner; I took them in of a girl, who called herſelf Ann Smith.

JAMES BLY *ſworn.*—*(Produces the breeches).* I received them of the laſt witneſs.

MARY CURRY *ſworn.*—I pawned this ſhirt and breeches with Mr. Chamberlain; I gave the duplicates to William Stacey. I know the priſoner by drinking with him in a public houſe; and he aſked me to go and pledge them for him; I received the ſhirt from him in my lodgings in the Almonry.

Q. Did you live with him?—*A.* No; and when he was in Tothill-fields Bridewell, he ſent for me, and aſked me to pawn the breeches, which I did.

JOHN SIMMONDS *ſworn.*—I am a pawnbroker; I cannot ſwear to the priſoner. There was a blue great coat pledged on the 22d of January, in the name of William Smith, it is a Bath beaver great coat, I cannot ſay whether it was the priſoner or not, the coat was delivered up at Queen-ſquare by order of the Magiſtrate. *(It was produced by Bly).*

WILLIAM BOURNE *ſworn.*—I am a pawnbroker; I have a coat to produce, but I do not know who I received it from.

GEORGE MOTTE *ſworn.*—I am a ſoldier in the firſt regiment of Foot Guards; I have nothing to ſay, I do not know the man. Milligan, one of my comrades, told me he had got a duplicate of a coat, if I had a mind to buy it; and I went to the pawnbroker's, and tried the coat on, and it fitted me; it was in for eighteen ſhillings; I aſked him what I muſt give him for the duplicate; he ſaid, five ſhillings, and I gave him five ſhillings, and paid the intereſt; I wanted a coat at the time, or elſe I muſt have bought a new one; it was a blue coat; I have worn the coat, *(produces it)*; I have had it ever ſince.

JOHN MILLIGAN *ſworn.*—I am a ſoldier in the firſt regiment of Guards: I got the duplicate of the coat that I ſold to Motte from the priſoner; I could not raiſe the money to purchaſe it myſelf, and I ſold it to him.

GEORGE FLINT *ſworn.*—I am a pawnbroker, in Paradiſe-row, Lambeth: There was a coat pledged at our ſhop, on the 22d of January, in the name of William Smith, but whether it was the priſoner or not, I cannot tell; it was taken out and repledged by a ſoldier of the name of Motte, and redeemed by him on the 31ſt of January.

Proſecutor. This is my ſhirt, it is marked with my name; it is worth two ſhillings and ſixpence or three ſhillings; the breeches I have not worn, but they have been worn ſince they were taken from me; I am a breeches maker by trade, if they had not been worn, they would have been ſold for fourteen or fifteen ſhillings; this coat I believe to be mine, I have not wore it, it coſt me two pounds nineteen ſhillings; it would ſell now for two pounds.

Priſoner's defence, as read by Mr. Shelton. I have pleaded not guilty to this indictment, becauſe I look upon it, when a man has once been diſcharged by the due courſe of Law, for an offence, he has no right to be apprehended again for it. In the latter end of January laſt, I was apprehended on ſuſpicion of ſtealing a watch, and was taken before Serjeant Kirby, Eſq. at the Police-office, Queen-ſquare, and ordered for further examination; on Thurſday, when I came there, there were all theſe people againſt me that are here now; and when I ſaw that, I told the Magiſtrate I ſhould wiſh to ſpeak to him in private; the Juſtice and I, and one of the officers, went up ſtairs into a room; I told the Juſtice if he would admit me an evidence for the Crown, and diſmiſs the buſineſs that I was there for then, together with the affair with which I am charged now, I would make a free confeſſion of a great number of footpad robberies, and burglaries, and tell where they were to be found. Mr. Kirby told me if I really did that, and he ſhould find that the account that I gave of burglaries and robberies done by myſelf, with two others, in Kent and Surry, was true, I ſhould be admitted an evidence for the Crown. I was committed, and the

the two men were taken, and one was fully committed to the Kingſton Aſſizes for a highway robbery, and another for a burglary, and I was admitted evidence for the Crown; theſe people now againſt me were diſmiſſed by Mr. Kirby, who told them I had turned evidence againſt two other men, upon condition of my being pardoned for this; I was concerned alone in this. I remained in jail till I was taken down to Kingſton, I gave evidence againſt them, I was diſcharged, and was at home with my friend for three weeks, till having occaſion to go to Weſtminſter, the conſtable came into the room and apprehended me for this robbery; he then told me I muſt go before a Magiſtrate, and though it was cloſe to the office at Weſtminſter he would not take me there, becauſe he knew Mr. Kirby could not commit me for it; he took me to Sir William Addington's, and I told him the ſame; and he ſaid, if the Judge found it to be true I ſhould be acquitted. I have nothing more to ſay, I confeſſed every thing I had done by myſelf, and particularly this affair that I am now here for. To prove what I ſay, I ſhall call William Bowyer, William Meſſenger, and Creedland, who were preſent when I was examined before Mr. Kirby, and who took me down to Kingſton.

WILLIAM BOWYER *ſworn.*—*Q.* Do you know whether this charge was a charge upon which he was to be pardoned?—*A.* Undoubtedly; and part of the property was given up.

Q. Do you know that he gave evidence at Kingſton?—*A.* Yes; and the men were acquitted before Judge Buller, at Kingſton.

The priſoner called one witneſs, who ſaid he did not know any diſhoneſty of him till lately.

GUILTY (Aged 24.)

Of ſtealing goods to the value of 39s.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury, before Mr. RECORDER.

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393. GEORGE TUNSTALL was indicted for feloniouſly ſtealing, on the 29th of December, a pair of pier looking-glaſſes, value 7l. 7s. and three dimity window-curtains, value 3l. the property of Henry Robins and John Robins.

(The indictment was opened by Mr. Jackſon, and the caſe by Mr. Lockhart).

WILLIAM KITELY *ſworn.—Examined by Mr. Jackſon.* I am porter to Henry and John Robins, co-partners and auctioneers.

Q. Do you remember on the 21ſt and 22d of December their ſelling the goods of Filmer Honeywood, Eſq.?—*A.* Yes; I was employed by them to get the goods ready for the ſale, and to take care of them; they were ſold at Mr. Honeywood's, No. 7, Charles-ſtreet, Berkeley-ſquare.

Q. At the time of the ſale, and up to the delivery of the goods, who had the cuſtody of the houſe?—*A.* I had, as ſervant of Mr. Robins.

Q. Was any ſervant of Mr. Honeywood's there at that time?—*A.* The days of ſale there was; but after the ſale was over, Mr. Honeywood's ſervant quitted the houſe; I had the keys, and depoſited them every evening in my maſter's accompting-houſe; on the Wedneſday, about the 26th or 27th, I left the premiſes, and faſtened the doors and windows myſelf, I double-locked the door, and took the keys to the accompting-houſe; I did not go again till Friday the 29th, I found the door then on the ſingle lock, I am ſure I left it double locked; when I went on the Friday, I miſſed a bed that I was going to deliver; upon that, I looked round to examine the houſe, and I miſſed another bed, two pier glaſſes, and three white dimity window-curtains; when I had left the houſe on Wedneſday the curtains were drawn up at the windows, and the glaſſes were nailed up; the curtains had been forced down, and torn from the laths, and the lines cut.

Q. Whoſe property had the pier glaſſes been?—*A.* Mr. Robins's.

Q. Whoſe property had the curtains been?—*A.* Mr. Honeywood's; the curtains had been ſold at the ſale to a gentleman; I do not know who it was.

Q. Had the glaſſes been ſold?—*A.* No, they had not.

Q. Let who will have bought the curtains, had they been left with other things in the cuſtody of Mr. Robins?—*A.* Yes; upon miſſing theſe things I locked the door, and came down to acquaint my maſter of it; I have ſeen the things ſince, and ſhould know them again.

RICHARD REEVES *ſworn.—Examined by Mr. Lockhart.* I am a carver and gilder, No. 27, Drury-lane.

Q. Do you know the priſoner?—*A.* Yes; about four or five years ago he bought a ſmall quantity of glaſſes of me: On the 30th of December, the porter of George Tunſtall, of the name of John, brought me a pair of frames of pier glaſſes, ſaying they were to be re-gilt, he ſaid he had brought them from Mr. Tunſtall; I aſked him which Tunſtall; and he ſaid, George Tunſtall; he ſaid, the frames were to be new gilt, but they were not to be put in hand till his maſter called; about three hours after the priſoner called reſpecting theſe frames, about four o'clock in the afternoon; he ſaid, he had called about gilding theſe frames; I ſhewed him the frames.

Q. Were they the ſame frames which the porter had brought?—*A.* Yes; I told him the frames were hardly worth gilding, becauſe they were old, and the pattern old-faſhioned, and he had better have

have new frames; he then desired me to go to his house and look at the plates, the plates of glass belonging to the frames, I was to look at the glasses; there was a fault in one of them, from the quicksilver being rubbed off it. I saw the porter again, he took up these plates standing behind some furniture, at the prisoner's house.

Q. What did you do with them?—*A.* One plate I received from the prisoner, the other plate he brought himself; I had them both.

Q. Did you make any alteration in them at all?—*A.* I put the frames to them, I did nothing to the glasses, they remained just as they were.

Q. From any thing that you had heard, did you know any thing respecting these frames?—*A.* I suspected the prisoner, and immediately applied to Messrs. Robins, and I was informed that they had lost some property, different glasses,—

Q. Did you shew them this property?—*A.* I desired them immediately to go to my house, and I would shew them the glasses I had in my possession.

Q. Did you afterwards see Tunstall?—*A.* I saw Tunstall the same evening, he called at my house, and he asked me about those glasses, the attorney was with him; I told them the circumstance, that Mr. Robins had claimed the glasses.

Q. Did Tunstall make any reply to you?—*A.* He said he had bought the glasses in Bedfordbury.

Q. Did he say of whom he bought them?—*A.* He did not; he said he would immediately go to Messrs. Robins, from my house, from whom the glasses had been stolen.

Q. Did he tell you what he would do when he found Messrs. Robins?—*A.* I cannot recollect any thing that he said particularly.

Q. Do you recollect what day of the month it was when you saw the prisoner in company with his attorney?—*A.* I think it was the Wednesday following the 3d or 4th of January, it was the same day the search-warrant was granted; I think it was either Wednesday or Thursday, but I am sure it was in the middle of the week.

Q. Did you see the search-warrant executed?—*A.* Yes; I was in company with Mr. Robins and the officer.

Q. Was any thing more found upon the prisoner which was the property of Messrs. Robins?—*A.* Not to my knowledge.

Cross-examined by Mr. Knowlys. Q. How far did you live from the prisoner?—*A.* Not many yards.

Q. When the porter came to you, he made no secret of his master's name?—*A.* No; he said it was George Tunstall, and he told me the house where he lived.

Q. It was intended at first that those old frames should be gilded?—*A.* It was.

Q. And he desired you not to do it till his master came?—*A.* Yes.

Q. And for fear you should not know the glasses again, he pointed out the flaws that was in them?—*A.* He desired me to go to his house to observe this mark, and he desired me to make a new pair of frames for them of the pattern he had seen.

Q. A report had gone about that some things of Messrs. Robins were stolen two or three days before the search-warrant was executed?—*A.* I don't know that particularly; the same day I was informed of it, I told Mr. Robins, and the search-warrant was executed that very day in the afternoon; the frames of the glasses were at my house.

Q. Then he did not attempt to get them back from you?—*A.* I had orders not to let them go.

Q. Did he attempt to get them back?—*A.* No, he did not.

HENRY ROBINS *sworn.—Examined by Mr. Jackson.* I am an auctioneer, my partner's name is John Robins: It was upon the 20th or 21st of December, I sold the furniture and effects of Mr. Honeywood.

Q. At the time of the sale, were the goods laid in the indictment, the glasses, and three pair of curtains, in the sale?—*A.* Yes; the glasses were the property of Mr. Honeymood, the curtains the property of other persons; the curtains were bought by a Mr. Clarkson.

Q. Had the pier glasses, or curtains, been sold?—*A.* The curtains had been sold, with other things, to Mr. Clarkson, but the glasses had not. Mr. Clarkson desired me to take care of them, and he would fetch them away when convenient.

Q. Did Mr. Clarkson pay for them?—*A.* We did not charge them in his account as they were lost.

Q. You had been told by Kitely that the things were stolen?—*A.* I had; when we discovered the property had been lost, I went to Bow-street to take advice what was best to be done.

Court. Q. When was that?—*A.* I believe it was on the Friday or Saturday morning. I published a hand-bill, describing the property.

Q. Did you advertise the prisoner, or give any description of him?—*A.* No, only the property; we did not suspect any particular person at that time. A few days after that, the last witness, Mr. Reeves, called at my house, and described the property he had in his possession; I went to Mr. Reeves's house myself, together with my brother, and he shewed us the glasses; I was very positive to the frames, but the glasses I was not. I enquired of Mr. Reeves who he had received these glasses from; I then went to Bow-street and took out a search-warrant, and we then went to the prisoner's house.

Q. What happened when you got there—was the prisoner in the way?—*A.* No, he was not; there was a woman that called herself Mrs. Tunstall;

ſtall; I enquired for Mr. Tunſtall, and they told me he was not at home; before I went up ſtairs, I diſcovered ſome dimity upon a bed in the ſhop, which I immediately ſuſpected to be part of the curtains.

Q. Why did you ſuſpect it?—*A.* Being the ſame dimity, and having made the curtains.

Q. Was it in the ſtate of curtains, or bed-furniture?—*A.* It appeared as if intended for bed-furniture, the top part of the curtain had been cut off ſo as to make valance for a bed. The officer took the property away, it has been in my poſſeſſion ever ſince, I cannot tell the exact quantity. I aſked Mrs. Tunſtall where Mr. Tunſtall was; ſhe ſaid, he was not in the way, but he ſhould call upon me.

Mr. Jackſon. Q. Did Mr. Tunſtall call upon you?—*A.* I never ſaw him till I ſaw him at Bow-ſtreet, about the 16th of May.

Q. After you had left Tunſtall's houſe, and had taken away the dimity furniture, what ſtep did you next take?—*A.* I waited a day or two before I took any other ſtep, thinking Tunſtall would call upon me, according to the promiſe made by his wife; he not coming forward, I was adviſed to advertiſe him, and offer a reward for his apprehenſion, which accordingly I did.

Q. Did that advertiſement contain his perſonal deſcription?—*A.* It did; we deſcribed his perſon as well as we could. *(The advertiſement produced.)*

Q. After this advertiſement of the 10th of January, what ſteps did you take?—*A.* I of courſe ordered the officer to watch him; I went there repeatedly, and walked up and down before his houſe, and never could ſee him; I alſo made enquiries among the neighbours, but could not gain any intelligence; I continued that vigilance up to the time he was apprehended, which was on the 16th of May.

Mr. Alley. Q. I underſtand the dimity was on a bed in the ſhop?—*A.* Yes; and I believe there was a woman at work upon it. *(The property produced.)*

Reeves. This is the property I got from the priſoner.

Mr. Robins. That is my property.

Kitely. That is the property I miſſed out of Mr. Honeywood's houſe.

Q. *(To Robins.)* Is that the property you found laying on the bed in the priſoner's ſhop?—*A.* It is; it is my property.

Mr. Alley. Q. *(To Mr. Robins.)* I underſtand, Mr. Robins, that thoſe curtains which you now undertake to ſwear to be your's, are not in the ſtate they were formerly?—*A.* They are not; they were feſtoon curtains.

Q. Do you undertake to ſwear that thoſe are your curtains?—*A.* Yes, I do; I made thoſe curtains originally, they were a drawing-room ſuit of furniture; the chairs and ſopha were ſold to a gentleman I know, and I ſent and borrowed a cover of the chairs, and it is the ſame dimity.

Q. Upon your oath, have you any difficulty in knowing that it is your property?—*A.* Not in the leaſt.

Mr. Lockhart. Q. *(To Kitely.)* Did you ever ſee this dimity before?—*A.* To the beſt of my knowledge I ſaw it in window-curtains at Mr. Honeywood's; I really believe it is the ſame dimity.

JOHN EDWARDS *ſworn.—Examined by Mr. Lockhart.* Q. Did you carry any pier-glaſſes to Mr. Reeves, the gilder, from the priſoner?—*A.* Yes, I did.

Q. Do you recollect when that was?—*A.* I cannot tell the exact day; it was drawing to the latter end of December, it might be about the 27th or 28th; I did not take any notice of the frames.

Q. Do you know where your maſter was about the 12th of January?—*A.* I ſaw my maſter ſeveral times in January, at different places, but I don't know where he was upon the 12th; I believe he was in Biſhopſgate church-yard the 15th or 16th of January.

Q. What was he doing there?—*A.* I went for the purpoſe of doing ſome buſineſs about a cheſt of drawers, which he thought he could ſell to a friend.

Q. Do you know where he was the 17th, 18th, 19th, and 20th of January?—*A.* Several times I ſaw him in Great Queen-ſtreet, Drury-lane; I met him there upon ſome buſineſs.

Q. From the 12th of January to the latter end of January, did you ſee him in his own ſhop?—*A.* He has let me in on a morning; I have ſeen him twice in his ſhop in the middle of the day; ſoon after one o'clock, he was in the yard, and came out of the yard into the ſhop; I conducted his buſineſs from the 12th of January to the end; he was a good deal in the country, in order to ſeek after the men from whom he had bought the glaſſes; he might be gone about eighteen or nineteen days.

Q. Now, where was he all February?—*A.* In February I ſaw him.

Q. Where did he live?—*A.* He lived in Featherſtone-ſtreet; but he came home, or near home, and ſent to me every day.

Q. Do you know whether he was all the month of February looking after theſe men he had bought the glaſſes of?—*A.* I don't know where he was all the month; the fact was, he was not willing to come forward, till he could find the men, in order to clear himſelf. I was not with him all the month of March, but I ſaw him ſeven or eight times; he

he was at his own houſe about the 13th or 14th of March, and let me in; it was in the morning, about ſix o'clock, or a little after ſix; he had not diſcovered the men at that time.

Q. In the month of April, did you ſee him?—*A.* I ſaw him every evening in Newton-ſtreet.

Q. Did you ever ſee him in his ſhop during that month?—*A.* I ſaw him one Sunday.

Q. You never ſaw him in the open day?—*A.* Never, but once or twice.

Q. His ſhop is an open ſhop?—*A.* Yes.

Q. I believe it is the cuſtom of brokers to walk to and fro before the ſhop?—*A.* Some do, and ſome do not; it is the cuſtom in Caſtle-ſtreet, but my maſter never did it in his life.

Croſs-examined by Mr. Knowlys. Q. I believe, in point of fact, thoſe gentlemen called you forwards as a witneſs at Bow-ſtreet?—*A.* Yes; and bound me over to attend here as a witneſs.

Q. What queſtions did they aſk you there?—*A.* They aſked me of whom my maſter bought theſe glaſſes; I told them he bought them of two men, who came up to the ſhop, and aſked him if he wanted to buy a pair of glaſſes; they ſaid they came from Bedfordbury; my maſter told them if they brought the glaſſes he would look at them, and if he liked them he would buy them.

Q. Did your maſter agree to buy them?—*A.* Yes; he gave ten guineas for them.

Q. Did you tell this at Bow-ſtreet?—*A.* Yes, I did; I ſaw the money paid upon the hob of a ſtove; I went to Bedfordbury.

Q. Now I aſk you, upon your oath, has not your maſter taken great pains to diſcover thoſe perſons he bought thoſe glaſſes of?—*A.* I am ſure he has; he gave me directions to look after theſe people.

Q. How long were thoſe glaſſes expoſed in the open ſhop for ſale, before they were ſent to Reeves's?—*A.* They were a day or two in the ſhop, till I took them to Reeves's.

Mr. Lockhart. Q. Where did the glaſſes ſtand?—*A.* The glaſſes ſtood up upon the firſt pair of ſtairs.

Q. Did they ſtand before or behind any thing?—*A.* They ſtood behind a frame, where all the glaſſes ſtood.

Q. Was it dark when he bought the glaſſes of the two men?—*A.* No, it was drawing towards dark; I never ſaw the two men before.

Mr. Knowlys. Q. Did your maſter aſk where they had got them from?—*A.* Yes; they told him they were to be ſold for rent for their landlord, and they were at Bedfordbury, the other ſide of Covent Garden.

Q. Did you obſerve the number?—*A.* No; it is pretty near the Scotch Arms.

Q. Did you go into the houſe?—*A.* No, I did not; the men brought the glaſſes, and my maſter gave ten guineas for them; I ſhould not have given ſo much for them.

Q. Look at thoſe glaſſes—upon your oath, did you ever know a broker give ten guineas for ſuch glaſſes before?—*A.* If they were as good a pair as theſe, I have known them ſold at a ſale to a broker to ſell again, and I think he would get a profit upon them.

Q. How much?—*A.* According to the cuſtomer; we would willingly get a guinea by them.

Q. Do you think you could ſell them for eleven guineas?—*A.* With a little repair. I went to Bedfordbury afterwards, in ſearch of the men, but the houſe was ſhut up.

Q. Did you ever go to Meſſrs. Robins, and tell them where your maſter got thoſe glaſſes?—*A.* Yes; that very night the ſearch-warrant was granted, I ſaw Mr. John Robins and his brother at Mr. Reeves's houſe.

Mr. Lockhart. Q. *(To Mr. Robins.)* In your opinion, what would a broker give for ſuch a pair of glaſſes?—*A.* No broker would give above ſeven guineas for them.

Mr. Knowlys. Q. *(To Mr. Robins.)* Do you mean to ſay, that glaſſes of that ſize have not been ſold for twelve guineas?—*A.* I do.

Q. Will you ſwear that glaſſes of that ſize have not been ſold for twelve guineas?—*A.* I mean to ſwear they never were worth twelve guineas; I don't think they would fetch ten guineas; I ſhould have been very glad to have ſold them for eight.

Q. *(To Reeves.)* Do you not think they would have ſold for twelve guineas?—*A.* They muſt have been ſold for more than they were worth then.

Court. Q. In the ſtate they were ſent to you by the priſoner, what would you have given for them?—*A.* I would not have given above ſix guineas for them.

Court. Q. What would a broker have given for them?—*A.* Six or ſeven guineas.

The priſoner left his defence to his Counſel, and called ten witneſſes, who gave him a good character.

GUILTY (Aged 48.)

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before

Mr. RECORDER.

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394. MARIA JENNINGS was indicted for feloniouſly ſtealing, on the 23d of May, two guineas, and four half-guineas, the property of Thomas Hopkins, in the dwelling-houſe of John Cooke.

THOMAS HOPKINS *ſworn.*—I am a mariner, I keep a houſe at Falmouth, in Cornwall: I met with

with the priſoner laſt Wedneſday evening, in Chick-lane; I agreed to lay with her all night.

Q. Were you drunk or ſober?—*A.* I was rather in liquor, but I was ſenſible. I went with her to her lodgings in Chick-lane.

Q. Do you know, of your own knowledge, whoſe houſe it was?—*A.* No. I undreſt and went to bed with her between eleven and twelve o'clock; I was not in bed above an hour, but I had fell faſt aſleep; I had two guineas and four half guineas, and I tied it up in my fob pocket. I looked at my money when I undreſſed; ſhe told me there was no occaſion for me to look at my money, for it would be perfectly ſafe; and then ſhe locked the door. There was a man, who ſlept in the next room, knocked againſt the wainſcot, and told me, my wife was gone, and to look at my money; I looked for my money, and the fob was cut out of the breeches, and the money gone, and ſhe too; I immediately called the watchman, and he came up with a light, and examined the bed, but could not find any thing; the watchman and I went down ſtairs in ſearch of the priſoner, and found her next door but one; we ſearched her, but could not find any other money but what I gave her, that was three ſhillings and ſixpence.

Q. Were you ſober enough to know that it was the ſame woman?—*A.* Yes.

Q. In whoſe company did you find her?—*A.* There was a man and ſome women in the room with her.

Q. What did you know her by?—*A.* By a ſtain in her face; I am poſitive ſhe is the ſame perſon.

JOHN KEENE *ſworn.*—I am a watchman: About a quarter after eleven, the priſoner and the proſecutor were coming up Field-lane, and he aſked me if I would call him up, to go with the Exeter coach; he aſked me if I would have any thing to drink, and we went into a houſe the corner of Chick-lane, and had a glaſs of rum a piece, then we parted; I ſaw him go with the priſoner to her lodgings. About twelve, a man called the priſoner down ſtairs, and ſhe came down ſtairs almoſt naked; I ſaid to her, if you are going to have another man, how am I to call that man in the morning; and I deſired her to go in doors, and ſhe would not; ſhe went along with the man that called her out to the next door but one; about a quarter of an hour after that, the landlord called to me for a light, and ſaid, there was a man robbed in the houſe; the proſecutor called to me, and I took him to the next door but one; I ſearched the bed, but could not find any thing. I then took her into cuſtody, and carried her to the watch-houſe; the officer of the night ſearched her, but there was nothing found upon her but three ſhillings and ſixpence.

Q. Did you ſee the proſecutor's breeches?—*A.* Yes; he told me where they were cut.

Q. Q. Do you know who keeps this houſe?—*A.* Yes, Mr. Cook, a ſhoe-maker.

Q. What is his Chriſtian name?—*A.* I believe John, I am not quite ſure.

Priſoner. Q. Did you ever know me charged with any thing of the kind before?—*A.* Never; ſhe was always very quiet when ſhe walked along the ſtreet.

Priſoner's defence. I know nothing of his money, I never ſaw it.

GUILTY of ſtealing to the value of 39s. (Aged 21).

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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395. SARAH KIRK was indicted for feloniouſly ſtealing, on the 26th of April, a cloth great coat, value 3s. the property of James Poore.

The proſecutor's name being miſpelt in the indictment, the priſoner was ACQUITTED.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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396. MARY ALLEN was indicted for feloniouſly ſtealing, on the 7th of May, a tin water-pot, value 2s. the property of John Hinde.

ROBERT TAYER *ſworn.*—I am ſervant to Mr. John Hinde, tinman: On the 7th of this month, about two o'clock in the afternoon, I was called from dinner by a gentleman, who informed me I had loſt a water-pot from the door; I followed, and about an hundred yards from the houſe I took the water-pot from the priſoner; I ſaw it outſide the door about an hour before; I cannot ſwear to the pot; here is a witneſs here who made it; the one I miſſed was a red one, and the one I took from the priſoner was a red one; ſhe ſaid ſhe was very ſorry for it.

JOSEPH PEARSON *ſworn.*—I am a tinman, journeyman to Mr. Hinde: I know the water-pot to be Mr. Hinde's property; I miſſed it on the 16th of April, I know it by a particular mark on the handle; in the wiring of it there is ſome ſolder put in the handle, which I never ſaw upon any other water-pots but what we make.

Priſoner's defence. I have nothing to ſay, but leave it to the Judge's mercy.

GUILTY (Aged 37.)

Whipped in the gaol, and diſcharged.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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397. SAMUEL HIGLEY was indicted for feloniouſly ſtealing, on the 27th of April, ten ſteel files, value 10s. four ſteel rubbers, value 6s. three pieces of iron, value 1s. 6d. and a ſcrew bolt, value 6d. the property of John Vidler.

It

It appeared in evidence that the property was found in the ſhop of the priſoner, and the Court were of opinion, that however there might be evidence ſhewn that he was a receiver, there was no evidence to bring home the charge in the indictment to the priſoner.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice GROSE.

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398. JOHN WILD and JOHN ROBINSON were again indicted for that they, on the King's highway, in and upon Alexander Webley, did make an aſſault, putting him in fear, and taking from his perſon, and againſt his will, a leather pocket-book, value 2s. a cotton handkerchief, value 1s. and two Bank-notes, each of the value of 5l. the property of the ſaid Alexander.

ALEXANDER WEBLEY *ſworn.*—On Friday the 27th of April, between eight and nine o'clock in the evening, as I was walking along Coventry-ſtreet with a woman, the priſoner Wild accoſted the woman with how do you do, and ſaid he would treat her with ſomething to drink but had no money; the woman anſwered, if that was the caſe ſhe would treat him; we all went into a houſe the corner of Coventry-ſtreet, and Robinſon was called in afterwards; the woman aſked Wild if he was an acquaintance of his; he ſaid, yes; ſhe then ſaid, let him be called in.

Q. Who was this woman?—*A.* A married woman that I had known ſome years ago.

Q. Was ſhe upon the town?—*A.* No; they pleaded poverty, and ſaid they were out of place; I treated them, the woman left us, and wiſhed us a good night; I ſat with them half an hour in the parlour, ſhe went home, and I meant to do the ſame, it was at the corner of Coventry ſtreet; I went about a quarter of a mile, as ſoon as the woman had left me, to go home; the priſoner Wild accoſted me, he had followed me, he aſked me if I had miſſed of the woman; I ſaid, ſhe was gone home; he ſaid, ſhe was not gone home, he knew where ſhe was gone, if I would permit him, he would ſhew me where ſhe was; I was guided by him down Princes-ſtreet to Coventry-ſtreet again, to a court in Whitcomb-ſtreet, I found the priſoner Robinſon in the court, he had got there by another way; Robinſon ran againſt me violently, and knocked me down; the priſoner Wild deſired him not to hurt his friend; being in company with them half an hour before I perfectly knew them; I told them they were both thieves, and deſired them to let me go about my buſineſs; after being knocked down, I felt my watch in my pocket, and thought myſelf perfectly ſafe, and out of danger; I made the beſt of my way out of the court, the court was very dirty, and I had occaſion to ſearch for a pocket handkerchief to wipe my hands and miſſed it; I then miſſed my pocket-book containing two five pound notes, there was no other property beſides memorandums in it; I made the beſt of my way home, and depended upon the woman, they being her acquaintance, to find them the next day; I went to the woman the next morning, to know if ſhe knew where they lived; ſhe ſaid, ſhe knew one, but knew nothing of the other, and did not know his direction; ſhe had heard him ſay he would be at Princes-ſtreet at four o'clock the next day; accordingly I went to the ſtreet, and ſtaid about an hour, and ſaw both the priſoners; I enquired for a conſtable directly, but as ſoon as they got to the firſt ſtreet, they began to run, I ſuppoſe they ſaw me; in running, they parted from each other, and I found Robinſon ſome time after at the corner of Windmill-ſtreet, ſtanding alone; I ſeized him, and inſiſted upon his going into a public-houſe with me, and I ſent for a conſtable, and charged the conſtable with him, I then went into the ſtreet to ſearch for Wild, I found him with the woman, at her lodgings in Little Pultney-ſtreet; I ſeized John Wild in the ſame kind of manner, and told him there was a friend of his at the public-houſe would be glad to ſpeak to him, accordingly he went very calmly; Robinſon, as ſoon as I took him into the public-houſe, went upon his knees, and begged for forgiveneſs.

Q. Before you ſent for a conſtable, or after?—*A.* Before; the priſoner, John Wild, ſaid he knew nothing at all of the matter, and went very calm to the public-houſe, where I found Robinſon and the conſtable; the two priſoners conſulted each other, Wild ſaid he was innocent of it, and knew nothing at all of it. Robinſon offered me any ſatisfaction; he ſaid he was going into the cavalry, and was to have thirty guineas bounty, and I ſhould have ſatisfaction out of that; they were then taken before a Magiſtrate.

Jury. Q. Have the notes ever been found?—*A.* No; I do not know the numbers; nor the perſon I took them of did not know the numbers.

ELIZABETH LARNER *ſworn.*—I was walking in Coventry-ſtreet with Mr. Webley; the priſoner, Wild, ſtopped me by the arm, and aſked me how I did; he ſaid, he would aſk me to drink but he had no money; I ſaid, that being the caſe I would treat him; we went to the Black-horſe, in Coventry-ſtreet, and Robinſon was ſtanding there, and Wild ſaid to him, what do you ſtand there for; I ſaid, if he was an acquaintance of his he could drink too; I knew Wild two years ago at Brighton, he was ſervant in a family that uſed to viſit the family that I lived ſervant in.

ROBERT WOODLEY *ſworn.*—I was ſent for to the Duke of Argyle's-head, the corner of Windmill-

mill-ſtreet, where I found Mr. Webley and Robinſon; I went in and ſat down, and Webley aſked, where is the conſtable; I ſaid, I am here; ſir, ſays he, I give you charge of this man; for what, ſir, ſays I; he has ſtole my pocket-book, and two five pound notes; he fell down upon his knees and cried, and ſaid, he was very ſorry, and hoped he would not hurt him, for he was a ſervant out of place, and it would be hurtful to his character; then I ſaid, come and ſit down here; then Webley ſaid, I dare ſay the woman is now waiting with the other man, for ſhe knows I want him; if you think ſo, ſays I, take a turn round, and ſee if you can find them, I will take care of Robinſon myſelf; Webley was gone nearly half an hour; when he came back, he brought with him this lady that ſtands here, and Wild; he ſaid, he knew nothing of it, and ſaid it muſt be the other.

Q. (To Larner.) Did you ſee either Wild or Webley the next day?—*A.* Yes; he came to me, and aſked me if I knew either of thoſe two men that drank with us; I told him I knew John Wild ſome little, but John Robinſon I never ſaw before that evening.

Q. Look at the priſoners, are you ſure you ſaw thoſe two men on the night that was mentioned?—*A.* Yes, I am ſure of it; this was on the Friday evening, and on the Saturday evening, I ſaw both of them in Coventry-ſtreet, juſt upon the ſpot where I ſaw Wild the night before Mr. Webley had aſked me to go out to ſee for them.

Q. (To Webley.) You told me you were knocked down?—*A.* Yes.

Q. How long before that had you felt your pocket-book in your pocket?—*A.* Not five minutes; it was in my inſide coat pocket, the right-hand ſide.

Q. When did you put the notes into it?—*A.* The ſame day I took them in Bond-ſtreet.

Q. Was it in the ſame pocket with your handkerchief?—*A.* No, my handkerchief was outſide.

Q. Could you at all tell when the pocket-book and the handkerchief went?—*A.* I cannot ſay; I am convinced that it went when I was down, for the priſoner, Robinſon, laid upon me ſome time.

Q. What was Wild doing at that time?—*A.* Wild perſuaded him not to hurt me, his friend he called me.

Q. Did Wild help you up?—*A.* No, he did not; I turned the other over as ſoon as I could; I felt myſelf in danger, and thought I muſt help myſelf.

Q. How long might you be?—*A.* I ſuppoſe about three minutes.

Q. Were you perfectly ſober?—*A.* Yes; I knew them again as ſoon as I ſaw them.

Larner. He was very much in liquor.

Q. (To Webley.) You hear what the girl ſays, were you in liquor?—*A.* No.

Jury. *Q.* Have you any reaſon to ſuppoſe the priſoners knew of your having the Bank-notes about you?—*A.* No; on the contrary I ſaid I had no money.

Larner. He was in liquor; he ſaid he had no money about him.

Priſoner Wild. Did not Webley ſay he had no money, and offered you his watch to have connections with you?—*A.* He offered me his watch, but I refuſed it.

Court. *Q.* Where was that?—*A.* At the public-houſe.

Q. What did he offer you his watch for?—*A.* To ſtay out with me all night; but I knew he was a married man, and had a large family, and I was a married woman, and he knew it.

Q. Was that before the two priſoners?—*A.* Yes.

Priſoner Robinſon. Did not Webley tell you he did not miſs his pocket-book till he got home?—*A.* He told me he miſſed his property when he got home; and that ſome time before he had the misfortune to think he had loſt a note, and ſome time after he found it in a place where his wife had put it; that ſhe had taken it out of his pocket when he was intoxicated with liquor, and he thought he had loſt it by being in bad company.

Wild's defence. I parted with this man in Sydney's-alley, and then I parted with Robinſon; I met the proſecutor again, talking to a woman, I aſked him if he was not gone home, he ſaid, no; I ſaid, if he would give me leave, I would ſee him home, as he was very much intoxicated; we were going through a court I met Robinſon, and he run againſt him, and he fell down, and then he got up, and ſtruck Robinſon, and then run away.

Robinſon's defence. The proſecutor was ſo very much intoxicated, that the landlord of the houſe would not let him have any more; I happened to meet this gentleman, and I happened to touch him, and he was ſo very much intoxicated that a very little thing would make him fall; he did fall ſeveral times; the next day the woman ſaid that he had been after us; we told her we would go and clear up the point; I went up to ſee for him; I met with him; he offered to treat me with a pint of beer, and when I went into the houſe with him, he charged a conſtable with me; he ſaid if we would give him eight pounds, he would make it up; I told him I was going into the horſe cavalry, and I would ſooner give him money than he ſhould ſend me to priſon.

Priſoner Robinſon. He wanted eight pounds before I offered him any thing.

Webley. I did; but it was in order to make him acknowledge the robbery.

Both NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice GROSE.

399. HANNAH CLARKE was indicted for feloniouſly ſtealing, on the 29th of April, a feather and flock bed, value 12s. a feather and flock bolſter, value 2s. a linen ſheet, value 12d. a pair of bellows, value 12d. and an iron trevet, value 6d. the property of Daniel Dawſon, in a lodging-room.

ANN DAWSON *ſworn*.—I am the wife of Daniel Dawſon; my huſband is at ſea: I let lodgings; I let a lodging to the priſoner at three ſhillings a-week, better than ſix weeks ago; I think it was on a Friday evening towards the beginning of April, and the latter end of April ſhe went away; I miſſed the articles in the indictment; I have not ſeen any of them ſince.

Q. For whoſe uſe was this furniture let to her?—*A.* For Hannah Clarke and John Clarke; ſhe ſaid he was her huſband, and ſaid he was at ſea; ſhe came back in a few days after I had miſſed the property, and told me ſhe could not give me the property back, becauſe it was ſold, but ſhe would pay me for it.

JOHN SULLIVAN *ſworn*.—I am a weaver by trade: Before the priſoner was taken up, ſhe went with Mrs. Dawſon and I, to a friend of her's at Tower-hill, to get the money to pay her for the things; I heard her acknowledge that ſhe had taken them.

Q. Was any promiſe of favour made her, or any threat?—*A.* No.

Priſoner's defence. The Juſtice ſaid, that upon paying thirty-five ſhillings, I ſhould be diſcharged; I have been in the Houſe of Correction upon this charge.

GUILTY (Aged 20.)

Fined 1s. and ſent back to the Houſe of Correction.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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400. ELIZABETH ABIGAIL was indicted for feloniouſly ſtealing, on the 23d of April, a linen ſhirt, value 5s. a muſlin handkerchief, value 12d. and a child's linen ſhirt, value 6d. the property of Winifred Maddiſon.

WINIFRED MADDISON *ſworn*.—I go out waſhing and chairing: I was out five weeks, looking after a perſon that was ill at Stepney; I frequently came home to ſee after my child; I was at home on Saturday, the 21ſt of April; I had a ſhirt in the drawer, belonging to a young man, that was not locked; I came home on the Monday afternoon; I miſſed the ſhirt out of the drawer, and a muſlin handkerchief of my own, and a child's ſhirt; I found them afterwards at the pawnbroker's; I never ſaw the priſoner before that day; I heard ſhe had been in the houſe, and I went to her, and aſked her what buſineſs ſhe had in my houſe, and ſhe ſaid ſhe had not been in the houſe.

ANN FINLAY *ſworn*.—*(The pawnbroker produces a handkerchief and a ſhift).* I had them from the priſoner, on the 23d of April, I did not aſk her how ſhe came by them, I knew her very well, ſhe uſed to pawn things very often for her miſtreſs, who is now outſide the door. I lent her four ſhillings on them. *(They were depoſed to by Mrs. Maddiſon.)*

ELIZABETH BAXTER *ſworn*.—I was going paſt Mrs. Maddiſon's, I ſaw the priſoner there, on Monday, the 23d of April, I do not know how long ſhe was there.

Priſoner's defence. I was going of an errand, I met with a gentlewoman, who aſked me to pledge theſe things for her, which I did, for four ſhillings; I came out and gave her the ticket.

The priſoner called two witneſſes, who gave her a good character.

GUILTY (Aged 19.)

Confined ſix months in the Houſe of Correction, and fined 1s.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice GROSE.

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401. MARY PARTIN was indicted for feloniouſly ſtealing, on the 19th of April, a Bank-note, value 40l. another Bank-note, value 10l. another Bank-note, value 5l. another Bank-note, value 2l. another Bank-note, value 1l. the property of George Bell.

The caſe was opened by Mr. Knapp, but there being no evidence to bring the charge home to the priſoner, ſhe was

ACQUITTED.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice GROSE.

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402. MARY CHATTLE was indicted for feloniouſly ſtealing, on the 23d of May, ten pounds and three quarters of beef, value 5s. the property of Joſeph Fiſher.

JOSEPH FISHER *ſworn*.—I am a butcher, in Newgate-market: Laſt Wedneſday, between twelve and one o'clock, I miſſed a piece of beef; the priſoner was brought back in two or three minutes.

Q. Did you know it to be the ſame piece of beef?—I knew it again.

Q. How did you know it, had you weighed it before it was taken?—*A.* No; it was a mouſe-buttock of beef.

———— *ſworn*.—I am a journeyman to Mr. Fiſher: I had ſeen the beef not two minutes before it was gone; I purſued the priſoner, and ſtopped her; I did not ſee the priſoner near the ſhop; the beef was brought back by Smith; I know it becauſe I helped to cut it.

Q. (To

Q. *(To Fiſher).* What is the value of it?—*A.* Between four and five ſhillings.

WILLIAM SMITH *ſworn.*—I am a ſervant to Mr. Peppercorn, oppoſite Mr. Fiſher's: I heard an alarm given that a woman had taken a piece of beef, I ran out immediately, and took it from her; ſhe did not ſay a word.

—— WOODMAN *ſworn.*—I am a conſtable; the woman was delivered to me; that is all I know of it.

Priſoner's defence. I was in great diſtreſs, I had not a gown to my back; I have got three children, and no huſband; I had not eat any thing for almoſt a week.

GUILTY.

Privately whipped and diſcharged.

Tried by the London Jury, before
Mr. RECORDER.

403. JOSEPH HUTCHINS was indicted for feloniouſly ſtealing, on the 3d of May, a ſilk handkerchief, value 1s. the property of George Wilſon.

The proſecutor not appearing, the priſoner was
ACQUITTED.

Tried by the London Jury, before
Mr. RECORDER.

---

404. ABRAHAM OTTEY was indicted for that he, on the 12th of April, upon Elizabeth Watſon, ſpinſter, did make an aſſault, and her the ſaid Elizabeth, againſt her will, feloniouſly did raviſh and carnally know.

(The Court ordered that the evidence upon this trial ſhould not be publiſhed).

NOT GUILTY.

Tried by the firſt Middleſex Jury, before
Mr. Juſtice GROSE.

MISDEMEANORS.

405. JOHN CANEY and THOMAS CANEY were indicted for a miſdemeanor, to which they pleaded GUILTY.

Confined ſix months in Newgate.

Tried by the London Jury, before
Mr. RECORDER.

406. JOHN CANEY was again indicted for a miſdemeanor, but no evidence was offered.

NOT GUILTY.

Tried by the London Jury, before
Mr. RECORDER.

The

The SESSIONS *being ended, the* COURT *proceeded to* GIVE JUDGMENT *as follows:*

Received ſentence of Death—3.

Richard Phillips, Nicholas Vargin, Sarah Holloway.

Tranſported for ſeven years—13.

James Gallaway, John Harris, John Robinſon,
John Pearſon, Charles Bacon, Mary Glave,
Edward Long, John Wild, William Brown,
George Tunſtall, John Smith, William Stacey,
Maria Jennings.

Confined three years in the Houſe of Correction, and publicly whipped.—1.

Edward Wright.

Confined one year in Newgate, and fined 1s.—1.

Mary Carlton.

Confined twelve months in the Houſe of Correction, whipped in the jail, and diſcharged—2.

George Degrange, Thomas Smith.

Confined twelve months in the Houſe of Correction, and fined 1s.—3.

John Price, John Caſtle, Aaron Heal.

Confined ſix months in the Houſe of Correction, publicly whipped, and diſcharged—2.

James Jones, Thomas Griffin.

Confined ſix months in Newgate—2.

Thomas Caney, John Caney.

Confined ſix months in the Houſe of Correction, and fined 1s.—2.

Lawrence Williamſon, Elizabeth Abigail.

Confined three months in Newgate, and fined 1s.—2.

John Robinſon, Eſther Urin.

Privately whipped, and diſcharged—3.

Mary Wyer, Mary Chattle, Mary Allen.

The Seſſions were adjourned till Wedneſday, July 4, 1798.

INDEX.

The Figures refer to the Page.

A.

Allen Mary — — 426
Abigail Elizabeth — — 429

B.

Bacon Charles — — 403
Bowman George — — 407
Brown William — — 416
Barnett William — — 416

C.

Chadwick Thomas — — 407
Caſtle John — — 411
Carlton Mary — — 413
Clarke Hannah — — 429
Chattle Mary — — 429
Caney Thomas — — 430
—— John — — 430

D.

Davies Ann — — 395
Degrange George — — 407

F.

Flowers Thomas — — 398

G.

Griffiths John — — 387
Gallaway James — — 400
Griffin Thomas — — 402
Glazebrook Mary — — 407
Glave Mary — — 409

H.

Howe John — — 397
Hall Samuel — — 399
Harris John — — 401
Holloway Sarah — — 403
Heal Aaron — — 412
Higley Samuel — — 426
Hutchins Joſeph — — 430

I.

Jefferies William — — 398
Jones James — — 402
—— Mary — — 405
Johnſon Penelope — — 412
Jennings Maria — — 425

K.

King Elizabeth — — 404
Keay John — — 406
Kirk Sarah — — 426
Levy Solomon — — 393
Long Edward — — 413

M.

Murray James — — 389
Maſon Mary — — 395
Mercer James — — 398

O.

Ottey Abraham — — 430

P.

Phillips Richard — — 389
Price John — — 397
Pearſon John — — 400
Partin Mary — — 429

R.

Robinſon John — 408, 415, 427

S.

Smith Mary — — 387
—— Thomas — — 393
—— Sarah — — 405
—— John — — 408
Sparkes Elizabeth — — 416
Stacey William — — 420

T.

Tunſtall George — — 422

U.

Urin Eſther — — 416

V.

Vargin Nicholas — — 398

W.

Williamſon Laurence — — 394
Williams John — — 390
—— Mary — — 413
Wyer Mary — — 393
Wild John — — 408, 427
Wright Edward — — 393

End of the Fifth Seſſion.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery

FOR THE

CITY OF LONDON,

AND ALSO,

The Gaol Delivery

FOR THE

COUNTY OF MIDDLESEX,

HELD AT

JUSTICE-HALL, IN THE OLD-BAILEY,

On WEDNESDAY, the 4th of JULY, 1798, and the following Days,

BEING THE SIXTH SESSION IN THE MAYORALTY OF

The Right Hon. SIR JOHN WILLIAM ANDERSON, BART.

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

WILLIAM RAMSEY,

AND

Publiſhed by Authority.

LONDON:

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1798.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery

FOR THE

CITY OF LONDON, &c.

BEFORE Sir JOHN WILLIAM ANDERSON, Bart. LORD MAYOR of the CITY of LONDON; Sir FRANCIS BULLER, Bart. one of the Juſtices of His Majeſty's Court of Common Pleas; Sir SOULDEN LAWRENCE, Knight, one of the Juſtices of his Majeſty's Court of King's-Bench; Sir JOHN WILLIAM ROSE, Knight, Serjeant at Law, Recorder of the ſaid City; JOHN SILVESTER, Eſq. Common-Serjeant at Law of the ſaid City; and others, His Majeſty's Juſtices of Oyer and Terminer of the CITY of LONDON, and Juſtices of Gaol Delivery of NEWGATE, holden for the ſaid City and County of MIDDLESEX.

Firſt London Jury.	*Second London Jury.*	*Firſt Middleſex Jury.*	*Second Middleſex Jury.*
Thomas Selſby,	Thomas Coſtin,	James Taylor,	Thomas Duddey,
Samuel Mann,	Zachariah Hardman,	Thomas Barr,	Richard Young,
John Salmon,	Marſhal Spinck,	Joſeph Bliſs,	William Gordon,
Thomas Barber,	William Innes,	John Skilback,	Samuel Parker,
George Piercey,	Richard Edmunds,	William Cowley,	John Holt,
Richard Jones,	Jonas Woodward,	Iſrael Livermoore,	Thomas Vaſt,
Iſaac Dickſon,	James Hunt,	Joſiah Allen,	John Aſhley,
Robert Biggars,	James Thompſon,	George Harding,	Luke Sinthod,
William Newcome,	Richard Ward,	Thomas Skinner,	William Carpenter,
Thomas Leas,	Edward Palmer,	James Burton,	Stephen Henry,
William Woodall,	Benjamin Powers,	Samuel Cope,	Samuel Neal,
John Towers.	James Cony.	John Jones.	William Bowden.

407. THOMAS WILSON was indicted for feloniouſly ſtealing, on the 29th of May, a mare, value 3l. the property of Huet Johnſon.

WILLIAM COOK *ſworn.*—I am a labourer, at Hampſtead: The mare was brought to me to take care of, by Mr. Johnſon; I kept her at the Vale of Health, Hampſtead, I had kept her near three months; the laſt time that I ſaw her was on Monday the 28th of May, between eight and nine in the evening; ſhe generally came home of an evening, and the next evening, Tueſday, ſhe was miſſing; I ſaw her at Mr. Francis's houſe, a cow-keeper, in Tottenham-court-road, on Tueſday following, about ten o'clock in the morning, in the care of Mr. Crocker; I knew her again directly, ſhe was a kind of a ſorrel colour; ſhe was no way remarkable, but I have no doubt of her being the ſame mare; ſhe was bred at Hampſtead.

Q. Then you had known her ſome time?—*A.* Yes; ſhe was brought from there down to Bow-ſtreet; I am ſure ſhe is the ſame mare.

Q. Is Huet Johnſon here?—*A.* No.

EDWARD CROCKER *ſworn.*—I am the ſon of Henry Crocker, one of the patrols belonging to Bow-ſtreet: On the morning of the 29th of May, a little before one o'clock, I was ſtanding at the turnpike-gate, in Tottenham-court-road, in the Hampſtead-road, I obſerved the priſoner at the bar leading a horſe towards London, it was juſt light enough to diſcover him; I went on to the turnpike-gate, ſeeing he wanted to go through without the turnpike-man getting up, and I knocked the turnpike-man up; he got up, and the priſoner aſked him what the toll was; he ſaid, three halfpence; he ſaid, he had got but a halfpenny, which he held up; I then ſaid to him, whoſe mare is this, for I know the mare ſomewhere; he ſaid, he had brought her from the fair; I then aſked him who his maſter was; he ſaid his maſter's name was Waterman; he ſaid to me, I dare ſay you know two or three of that name; he ſaid he lived no great way from Highgate; he then ſaid to the turnpike-man, I will go back and get ſome more money, he turned the horſe round and away he went. I went up to my father, who was juſt coming off duty, and told him what I had ſeen, and he came down with me towards the turnpike, and we met him on this ſide the gate coming to town; he had not come through the gate, he had got round by ſome houſes; there was a woman on the mare, and the priſoner was leading her; we then took him to the watch-houſe; this is part of the halter he was leading the mare with, *(producing it)*; we took the mare to Mr. Francis's, about three o'clock in the morning. On the Tueſday following, I had got the mare out giving her ſome water, and Mr. Cook ſaw it.

Q. Are you ſure that the mare you took from the priſoner was the mare that Mr. Cook ſaw a week after?—*A.* I am perfectly ſure of it; he immediately owned her; Mr. Johnſon has got the mare now at Hampſtead.

Q. Do you know why Mr. Johnſon is not here?—*A.* I cannot ſay

Q. *(To Cook.)* What is the value of this mare?—*A.* About three or four pounds.

The priſoner did not ſay any thing in his defence,

NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. RECORDER.

---

408. JOHN BUTLER was indicted for feloniouſly ſtealing, on the 3d of October, a horſe, value 30s. the property of William Knowles.

WILLIAM KNOWLES *ſworn.*—On the 3d of October, I got up in the morning to give my horſe ſome water, and I found my ſtable, but my horſe was gone; I ſaw him about ſix o'clock in the morning, and about a quarter of an hour after the poney was gone; I had him to carry greens to ſell about the ſtreets in a cart; I afterwards got it from the priſoner, at Bow-fair; on the 4th of June, I owned the property, and went to a Magiſtrate, he uſed me very ill, he took out a knife and cut the bridle that I had in my hand, and knocked me down ſeveral times; the priſoner and the mob, and they all knocked me about very much, and treated me very bad; he ſaid, he bought it at Blackheath-fair, I had ſeen him with it there, three weeks before, the 12th of May, and I told him it was my property, it was a ſtone-horſe, he rode away then, I being a lame man, could not follow him, and I had not a farthing in my pocket; he ſaid, he had bought it of a cow-keeper, he made believe to call the man to me, and then rode away.

Q. What is the value of your horſe?—*A.* I gave a guinea and a half for it at Barnet-fair.

WILLIAM HARDMAN *ſworn.*—I was with Knowles when he bought the horſe at Barnet-fair, he gave a guinea and a half for it, I ſaw it in the priſoner's wife's poſſeſſion at Bow-fair, and I ſaw it afterwards in Knowles's poſſeſſion, I am ſure it was the ſame horſe.

Priſoner's

Priſoner's defence. (Read by Mr. Shelton.) This horſe was impounded by Mr. Bennett, of Ilford, for three weeks, he gave it to a man of the name of Morſe, who ſold it to one Meredith, who ſold it to the priſoner.

Priſoner. Deſire the proſecutor to deſcribe the horſe.

Knowles. It was a black poney with a brown muzzle and croſs made behind, it was never worked till the priſoner worked it, it was uſed very ill after I loſt it; it was very young, too young to work, it was only three years old. *(The priſoner put in a ſecond defence, which was read by Mr. Shelton.)* The priſoner bought the horſe of John Meredith; ſome time after that, a perſon came to the priſoner, and after examining the horſe, told the priſoner it was his property, he believed, but added, it was a hard matter to ſwear to the ſame; he went to the fair, and ſome hours after, returned to his houſe in Kent-ſtreet; the priſoner continued working the horſe, which the proſecutor Knowles was well acquainted with, till the 12th of June; the priſoner ſaid, he would not give it up without an officer; the proſecutor then uſed him very ill, he was adviſed to go to a Magiſtrate, which he did, when an examination took place, and the priſoner was committed; in about a week, Meredith, whom the priſoner bought the horſe of, was apprehended, but the Magiſtrate did not think proper to detain him; the proſecutor ſays, he bought a brown horſe, but the horſe that the priſoner bought of Meredith, was a black horſe.

For the Priſoner.

JOHN MEREDITH *ſworn.*—I ſold a horſe to John Butler, at Blackheath; it was a little black, brown muzzle horſe, on the 12th of May; I bought it of one Mr. Morſe, of Eaſtham, it was in the pound when I bought it, about three weeks before I ſold it.

Q. What age was that horſe?—*A.* Four years old.

JOHN MORSE *ſworn.*—I live at Eaſtham; Mr. John Bennett, who lives at the Three Rabbits, on the Rumford-road, ſent me a poney to ſell, it was a little dark brown poney, with ſhackled hams behind, very ſmall, about eleven hands high.

Q. How old was it?—*A.* About four years old; Bennett ſold it to me, I think, the Friday before Eaſter; I ſaw him afterwards, the firſt day of Bow-fair; I was ſtanding at Mile-end, I ſaw him go by with a number of people, in a cart, carrying them to the fair; I ſaid, that is the little poney that I ſold to the Cow-man, I have ſeen the poney ſince, and verily I believe it to be the ſame.

JOSEPH BENNETT *ſworn.*—This poney was brought into my manor, I rent the manor of Little Ilford myſelf, I impounded that and three more together, I found it in my wheat-field, how it came there, I do not know.

Q. How far is that from London?—*A.* About ſix miles.

NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. Juſtice BULLER.

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409. JAMES SEWELL was indicted for feloniouſly ſtealing, on the 7th of June, a linen handkerchief, value 10d. and a leather pocket-book, value 6d. privily from his perſon.

JAMES HENLEY *ſworn.*—On the 7th of June, near the Shepherd and Shepherdeſs, I miſſed a pocket-book and a handkerchief, the priſoner ſtood behind me, we were looking at the Eaſt-India ſoldiers exerciſing, a friend was with me, trying to get in at the gate, the priſoner ſtood by my ſide two or three minutes; I miſſed my handkerchief and pocket-book about five minutes after; I had had my hand upon them both about half an hour before that; the pocket-book was found upon the ground on the ſame ſpot; my friend took the handkerchief out of the priſoner's pocket, but I cannot ſwear to it, there is no mark upon it, but I believe it to be mine.

—— TIPPETT *ſworn.*—Mr. Henley and I were looking at the ſoldiers, and Mr. Henley miſſed his property; I took the priſoner about ten feet from where the people were ſtanding, and I ſearched him, and found this handkerchief in his pocket, and ſome little trifling things beſides, that nobody has owned; I found the pocket-book lying on the ground. At the time Mr. Henley was ſpeaking to me, a lady ſaid, in the hearing of the priſoner, I ſaw that young man take it out of your pocket; I aſked her to go down to the office, but ſhe refuſed.

Q. Did he make any anſwer to that?—*A.* None.

JOHN WRAY *ſworn.*—The priſoner was brought to the office, I ſearched him, and found two more handkerchiefs in his breeches, and a duplicate of another.

Mr. Knapp. (To Henley.) *Q.* There was a conſiderable crowd at this time?—*A.* Yes.

Q. And other perſons were as near to you as the priſoner was?—*A.* Yes.

Q. What is the value of the handkerchief?—*A.* About ten-pence to me, but not for ſale.

Priſoner's defence. I never ſaw the gentleman to my knowledge.

The priſoner called three witneſſes, who gave him a good character.

NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. Juſtice BULLER.

410.

410. CHARLES DAVIS was indicted for feloniously ſtealing, on the 27th of May, a ewe-ſheep, value 10s. the property of Matthew Stone.

Second Count. For killing a ewe-ſheep, value 10s. the property of Matthew Stone, with intent to ſteal part of the carcaſe, that is to ſay, the two ſhoulders and a leg.

MATTHEW STONE *ſworn.*—I am a farmer, and live in the pariſh of Hayes: I had a ewe-ſheep killed in the night of the 26th, or the morning of the 27th of May, in a field; a boy that looked after them found the ſheep, he came to tell me, I went and found the ſheep with three joints cut off, one of the legs and the two ſhoulders.

Q. Are you ſure, that what remained was part of your ſheep?—*A.* Yes; it was marked M. S. on the left ſide; I know it to be mine, my flock conſiſted of one leſs than it had done the night before; I then got a warrant and went to Davis's houſe, where I found two ſhoulders boiling in the pot, the leg we did not find; then we went again in the afternoon, and found a pudding boiling, that was a mutton pudding, which we ſuſpected to be the leg.

Q. When was the priſoner taken up?—*A.* Two or three hours after it was done; the account that he gave was, that he ſaw the ſheep lying dead in the hedge, and he cut part of it off.

JAMES BROWN *ſworn.*—Q. How old are you?—*A.* Between thirteen and fourteen; I was out in the field about ten o'clock in the morning of Whitſunday, I ſaw the priſoner go into the buſhes, and then I got behind a log and watched him; I did not ſee what he did in the buſhes, but when he was gone, I went down to the buſhes, and there I found a dead ſheep, he had got a bag or a ſack with him, it ſeemed to have ſomething in it when he went in, but more ſo when he came out; there were the ribs left, and one leg, and the guts, and the ſkin; there were two ſhoulders gone, and one leg, and the heart, and the liver; I looked after him, and he looked round and ſaw me, and went on again; then I went and told Mr. Stone.

EDWARD BYNG *ſworn.*—I am a conſtable of the pariſh of Hayes; Mr. Stone came to me with a warrant to apprehend the priſoner; I went to his houſe, and found a fowl, and two ſhoulders of mutton in the pot; I ſaw the pudding, but that was not taken out when I was there.

JOHN GILES *ſworn.*—I was preſent when the mutton was taken out of the pot; I went down again in the afternoon, and I ſaw a meat pudding, but what meat it was I do not know; the priſoner ſaid, as he was going into a field to get garlic to boil, he found the ſheep there.

JOHN WEBB *ſworn.*—I live next door to the priſoner, they called me in to aſſiſt them, I took off the pot and ſaw a fowl and two ſhoulders of mutton.

Priſoner's defence. I went down into the fields, and ſaw this ſheep lying, and I picked it up and carried it home; I thought there was no harm in it, it might have been killed by dogs, I could not ſay.

Q. *(To Stone.)* Did the ſheep appear to be freſh killed?—*A.* It did, quite. GUILTY **Death.**

Tried by the firſt Middleſex Jury, before Mr. Juſtice BULLER.

---

411. ELIZABETH STARENAUGH was indicted for feloniouſly ſtealing, on the 9th of June, two ſeven ſhilling pieces, a linen purſe, value 1d. and twenty ſhillings in monies, numbered, the property of George Mackenzie, privily from his perſon.

GEORGE MACKENZIE *ſworn.*—I am a brewer's ſervant: On the 9th of June, between four and five in the afternoon; I was in my maſter's buſineſs, in Dyot-ſtreet, St. Giles's, I ſtood by the door of the chandler's ſhop, I ſerved the houſe with beer; the priſoner at the bar ſat at the door with another woman with her, and ſhe picked my right hand pocket, part of the property was found upon her.

Q. How ſoon did you miſs it?—*A.* When I got to St. Giles's church, or thereabouts, I miſſed near 2l. it was all in a purſe; the laſt time I had ſeen it, was, in St. John's-ſtreet, about a quarter of an hour before; there were two ſeven ſhilling pieces, and the reſt in ſilver, moſtly ſhillings; I knew, as ſoon as I miſſed it, that ſhe had taken it from me; when I came back and went to the houſe, ſhe was gone, and the woman that was along with her; the other woman was not ſo near my pocket as the priſoner; I found one ſhilling upon the priſoner, that I can ſwear to, about nine o'clock at night; I told her, ſhe was the woman that robbed me, ſhe ſaid, not; then the conſtable was ſent for, and ſhe was ſearched; when I ſaw her firſt, ſhe was very meanly dreſſed, and when I ſaw her afterwards, ſhe was very finely dreſſed.

JAMES KENNEDY *ſworn.*—I am an officer of Marlborough-ſtreet; I ſearched the priſoner, and found a ſhilling upon her. *(Produces it.)*

Mackenzie. This ſhilling I can ſwear to, I had it from the accompting-houſe that morning, I had taken it the day before; I knew it by its being a bad ſhilling, with a notch in it.

Q. Who was the perſon that was talking with you?—*A.* A woman that I was talking to about my maſter's buſineſs; the woman that was with the priſoner was bound over, but we have not been able to find her ſince, her name is Mary Williams.

(Mary Williams was called upon her recognizance.)

GUILTY **Death.** (Aged 18.)

Tried by the firſt Middleſex Jury, before Mr. Juſtice LAWRENCE.

412. SARAH

412. SARAH MARLOW was indicted for feloniously ſtealing, on the 26th of June, a half-guinea, a half-crown, and one ſhilling, the property of William M'Fell.

WILLIAM M'FELL *ſworn.*—I am a waterman: Laſt Tueſday week, about eight in the morning, I had been in liquor, and found myſelf in Whitcomb-ſtreet, I do not know how I came there; I remember coming from Greenwich in a coach, and got down to go to my own home, at Hungerford, when I met with this woman at the bar.

Court. Q. You have had a drop to day to, have not you?—*A.* I have had a glaſs.

Court. Gentlemen, it is impoſſible to go on with this trial; you ſee the ſituation of this man, you muſt acquit the priſoner.

NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. Juſtice BULLER.

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413. MARK MURPHY was indicted for feloniouſly ſtealing, on the 9th of June, a ſilver table ſpoon, value 15s. the property of David Morley, the elder.

DAVID MORLEY, junior, *ſworn.*—My father keeps the Britiſh coffee-houſe, in Cockſpur-ſtreet: On Thurſday, the 14th of June, I was ſent for by Mr. Dean, a watch-maker, in Oxford-ſtreet; I went there, and ſaw a ſpoon that we had loſt; I waited there till the priſoner came; I ſaw the priſoner receive the ſpoon from Mr. Dean; I gave him in charge to a conſtable, and he was taken to the watch-houſe; Mr. Dean is not here, the conſtable has got the ſpoon, it has got marked upon it, "the Britiſh Coffee-houſe."

Croſs-examined by Mr. Alley. Q. You know nothing about the ſpoon, except what Mr. Dean ſaid?—*A.* No.

Q. Why is not Mr. Dean here?—*A.* He is very ill.

Q. You have loſt a great many ſpoons?—*A.* No, we have not.

Q. You have a great many ſervants?—*A.* Yes.

Q. And the priſoner was not a ſervant of your's, but a ſtranger?—*A.* Yes.

Q. Who gave the ſpoon originally to Mr. Dean you do not know?—*A.* No.

Q. Are you in partnerſhip with your father?—*A.* No.

Q. Nor your brother?—*A.* My brother derives a ſhare of the buſineſs, but he is not in partnerſhip.

Q. They live in the houſe together, and live on the profits of the buſineſs?—*A.* Yes; we all live on the profits of the buſineſs.

Q. Your brother has a regular ſhare in the profits of the houſe?—*A.* Yes.

Q. Therefore your brother is anſwerable for the loſſes of the houſe, in proportion to the ſhare he derives from the profits?—*A.* No, he is not; he has only a certain ſalary out of the profits of the houſe.

———— *ſworn.*—I am a conſtable: On the 14th of June, as I paſt Mr. Dean's ſhop, he called me in, that was the way we got to the knowledge of the ſpoon; I let Mr. Morley know where it was, and his ſon went up to Mr. Dean's to ſee the ſpoon; I went with him, in the evening, to Mr. Dean's, and he returned the ſpoon to the priſoner; then Mr. Morley gave charge. Mr. Dean ſaid, in the hearing of the priſoner, that he had offered him that ſpoon for ſale, and he refuſed buying it. I then took him to Marybone watch-houſe; as we were going to the watch-houſe, he ſaid, the ſpoon was not his, he had it to ſell for his fellow ſervant.

Croſs-examined by Mr. Alley. Q. The ſpoon was returned, in your preſence, to the priſoner?—*A.* Yes.

Q. What time of the day was this?—*A.* About a quarter paſt eight in evening.

Q. Do you know, of your own knowledge, whether he was not to have called in half an hour, and been paid for them?—*A.* I do not.

Mr. Alley. (*To Morley.*) Q. Do you know a man of the name of Richard Worrall?—*A.* No.

Q. But there was a fellow ſervant of the priſoner that had had acceſs to your houſe?—*A.* Yes.

Q. The priſoner had no acceſs to your houſe?—*A.* Yes.

Court. Q. In what capacity was he at your houſe?—*A.* He uſed to fetch away the hog's waſh in the morning.

Mr. Alley. Q. And therefore had an opportunity of robbing you, if he had ſo choſe?—*A.* Yes.

Court. Q. Have you ever ſold any table ſpoons?—*A.* No.

Mr. Alley. Q. I believe there was another man, a fellow ſervant of the priſoner taken up?—*A.* Yes, and was taken before a Magiſtrate.

Q. So that the man who had acceſs to your houſe, eſcaped before the Magiſtrate, by throwing it upon the priſoner?—*A.* Yes.

Court. Q. How came Worrall to be diſcharged?—*A.* Becauſe the ſpoon was not found upon him.

Priſoner. I got it from my fellow ſervant.

For the Priſoner.

RICHARD WORRALL *ſworn.*—I am a fellow ſervant of the priſoner.

Q. Do you remember at any time giving a ſpoon to the priſoner?—*A.* No further than one day when we brought the waſh home, we found a ſpoon at the bottom of the tub.

Q. You had been at the Coffee-houſe, and got a load of waſh?—*A.* Not to that houſe in particular,

I had

I had been to two or three other houſes; we found the ſpoon at the bottom of the waſh, but did not know where it belonged to; my partner ſaid, he had been to the houſe two or three times and they never gave him a pint of beer, and if he found any thing he would keep it.

The priſoner called one other witneſs, who gave him a good character.

NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. RECORDER.

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414. JANE PINNER was indicted for feloniouſly ſtealing, on the 8th of June, a ſilk bonnet, value 1s. a ſilk handkerchief, value 4s. a muſlin cap, value 6d. two cotton handkerchiefs, value 2d. two yards of ſilk, value 1s. 6d. and a muſlin apron, value 1s. the property of Daniel Pippin.

JESSE PIPPIN *ſworn.*—I am the wife of Daniel Pippin: I loſt the things mentioned in the indictment, *(repeating them)*; the priſoner ſlept in the houſe two or three nights before, as a lodger; this bonnet is mine, it was taken off her head, and this cotton handkerchief I took off her neck, that is all I have found; I found them the third night afterwards. She owned before *his Majeſty* that ſhe had taken them.

Priſoner's defence. She keeps a bawdy-houſe on Saltpetre-bank; a young man came in and aſked me to get ſomething to drink, and I put the bonnet on; the handkerchief was my own, I had left it with her for ſixpence. NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. Juſtice BULLER.

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415. JANE ABERALL was indicted for feloniouſly ſtealing, on the 3d of July, a man's hat, value 5s. and a muſlin handkerchief, value 1s. 6d. the property of John Morley.

JOHN MORLEY *ſworn.*—I live in Compton-ſtreet: On the 3d of this month, I loſt my neck-handkerchief from my neck, and my hat from my head; I had been drinking along with ſome of my ſhopmates, and got in liquor, I laid down to ſleep in Barrow's-court, Oxford-road; the watchman found the hat upon the priſoner.

WILLIAM CONNOR *ſworn.*—About three o'clock in the morning of the 3d of July, one of my fellow watchmen ſaid there was a man ſitting ſleeping by a door, and that a woman, dreſſed in black, had robbed him of his hat and handkerchief; I ſaw her going up Portman-ſquare, and I took this hat from her apron, and the neckcloth off her neck. *(Produces them).*

Morley. This is my hat and my handkerchief, I am ſure they are mine.

—— GLYNN *ſworn.*—I am a watchman: I ſaw the proſecutor drunk, and the woman went up to him; I aſked her what ſhe was doing with him; ſhe ſaid it was her huſband, that was about half paſt two o'clock; I deſired her to take him home, and about three o'clock I ſaw him lying without his hat, and without his handkerchief.

Priſoner's defence. About twelve o'clock I met with that man, and he aſked me to have ſomething to drink; he ſaid he had no money, and he gave me his handkerchief and his hat for making uſe of me. NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice BULLER.

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416. JOHN COLLINS was indicted for feloniouſly ſtealing, on the 23d of May, ſixty pounds weight of lead, value 10s. the property of Henry Scrimſhaw, fixed to a certain building of his called a ſtable.

HENRY SCRIMSHAW *ſworn.*—I live in Guildford-place, Foundling-hoſpital: I have no ſtables there, the lead was ſtolen from another building belonging to me, at the back of Southampton-terrace, Bloomſbury, it was fixed to a ſtable. On Thurſday morning, the 24th of May, I miſſed it, the watchman brought the lead to me about ten o'clock that morning; I had it beat out, and I compared it with the lead that was left, and it matched correctly, excepting a part of the gutter; it was rolled up together in order to make it convenient to carry.

Q. Was there any part miſſing beſides what was brought back?—*A.* Some ſmall part was miſſing.

Q. Did the nail-holes correſpond?—*A.* Yes, exactly; it was clear that nothing but the knife had ſeparated them.

Q. What may the value of it be?—*A.* About ten ſhillings.

SAMUEL LEDWICH *ſworn.*—I am a private watchman: On the 24th of May, between one and two o'clock in the morning, I ſaw the priſoner at the bar, and another man, coming acroſs a field at the back part of Gower-ſtreet; I aſked Collins what they had got there; Collins made anſwer he had nothing; upon that, the other man threw the property down, and ran away; Collins had not got the property; upon that, I laid hold of Collins, and took him to St. Giles's watch-houſe, another watchman went with me who is not here; the lead was carried there in my preſence; I ſearched him, and found two or three duplicates upon him, but no edge tool at all.

Q. How far was the place, where you ſtopped the priſoner, from where the lead was taken from?—*A.* I ſuppoſe about five hundred yards; I was preſent when the lead was compared, and it correſponded, except the gutter.

Q. (To

Q. *(To the profecutor.)* When had you feen thefe premifes?—*A.* Between eight and nine o'clock the evening before.

Prifoner's defence. I had been to Sommers-town, and got very much in liquor; I came away between eleven and twelve o'clock, I fell afleep in a field, and there I laid; when I waked, I faw a man coming acrofs the field with a load, I afked him what it was o'clock; and he faid, between twelve and one; then the watchman came up, and the man threw down his load, and ran away.

Q. *(To Ledwich.)* How far were the two men from each other?—*A.* The man with the load was about four yards behind the prifoner.

NOT GUILTY.

Tried by the fecond Middlefex Jury, before Mr. RECORDER.

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417. ELIJAH FORSYTH was indicted for that he, on the 1ft of January, 1775, in the kingdom of Ireland, did marry Margaret Baldridge, and afterwards, on the 5th of February, 1784, at Manchefter, felonioufly did marry Margaret Wilfon, the faid Margaret Baldridge being ftill alive.

(The cafe was opened by Mr. Hovel.)

ANDREW TODD *fworn.—Examined by Mr. Hovel.* I live in the county of Antrim, in Ireland: I have known the prifoner, Mr. Forfyth, about twenty-three years ago; he was a chapman carrying things through the country; he had no fixed refidence that I know of.

Q. Do you know his firft wife, of the name of Baldridge?—*A.* I do, very well; I was prefent when he was married, at Breehead, in the county of Antrim, twenty-three years ago.

Q. Who were prefent befides yourfelf, the prifoner, and Margaret Baldridge?—*A.* I don't remember.

Q. What was the clergyman's name that married them?—*A.* Charles Douglas.

Q. Were they married, in fact, at that time, and in your prefence?—*A.* They were.

Q. How were they married?—*A.* According to the regular rules of the Church of England, as far as I underftand.

Q. Where were they married, at church?—*A.* In a private room.

Q. Did you ever fee any other perfons married in that country?—*A.* No, only myfelf.

Q. Were you married in the fame manner?—*A.* Exactly in the fame manner.

Q. Were you married according to the ufual mode of celebrating marriages in that kingdom?—*A.* Yes.

Q. Was Mr. Forfyth married according to that mode?—*A.* Yes.

Q. How long did he continue to refide with his wife?—*A.* I cannot fay how long; he refided with his wife and her brother.

Q. Can you take upon you to fay for what period?—*A.* I cannot recollect that; I remember his returning to Coleraine to her own brother; they took a houfe, and lived in Coleraine together; I refided about four miles from Coleraine; they lived together about nine weeks then; Mr. Forfyth then failed, and fhut up fhop.

Court. Q. When was that; in what year?—*A.* The very fame year he was married; then he went to America.

Q. Did you ever know any thing of Mr. Forfyth after he went to America?—*A.* Yes; he returned back again.

Q. Did he then return again to Coleraine?—*A.* No; he returned to his wife at Ballymouthree again; that was in lefs than two years after he left Coleraine.

Q. Can you fay how long he refided with his wife then?—*A.* Better than a month, and perhaps two.

Q. Perhaps fix?—*A.* No, I will not fay fo much.

Court. Q. Was it nearer two months than one?—*A.* Yes, I am fure he did at that time.

Mr. Hovel. Q. Do you know what became of him at the end of that two months, or fix weeks, or whatever it was?—*A.* He left the country, and I never faw him fince.

Q. Have you any doubt about his perfon?—*A.* No.

Q. In what year do you fuppofe he left that country?—*A.* I cannot fay.

Mr. Garrow. Q. How much lefs than twenty years ago?—*A.* On or about that, I think.

Mr. Hovel. Q. You know the firft wife intimately?—*A.* Yes.

Q. What fort of a character did fhe bear?—*A.* A very good one.

Q. Do you know whether fhe is now alive?—*A.* She was alive the 26th of laft month, at Ballymouthree, where Mr. Forfyth left her.

Crofs-examined by Mr. Garrow. Q. You have lived there very content and quiet for the laft twenty years; who wrote to you to help to get fome money out of this gentleman?—*A.* Mr. Wilfon defired me to come.

Q. Did Wilfon tell you he had been trying to get fome money out of Mr. Forfyth but he could not?—*A.* He did not tell me that.

Q. He is brother to the fecond wife is not he?—*A.* Yes.

Q. You are the brother-in-law to the firft?—*A.* Yes; I married a fifter of Margaret Baldridge.

Q. He had no children by her?—*A.* No.

Q. During the fhort time they lived together they

they were not very happy, I believe?—*A.* That is more than I know.

Q. When did Wilſon firſt write to you to come over?—*A.* I cannot ſay.

Q. What age was he when he firſt became acquainted with your ſiſter-in law?—*A.* Very young, not twenty years of age, I believe.

Q. So they went into a back room; at what time of night was it?—*A.* It was a back parlour; there was only one parlour in the houſe.

JOHN WILSON *ſworn.*—*Q.* Do you know Mrs. Margaret Wilſon?—*A.* Yes.

Q. Do you know Mr. Forſyth?—*A.* Yes, very well.

Q. Were you preſent at any time, and when, at a marriage celebrated between Mr. Forſyth and Miſs Wilſon?—*A.* Yes, I was; on the 5th of February, 1784, at the old church, Mancheſter.

Q. Were they married according to the ceremonies of the Church of England?—*A.* Yes, they were.

Q. Did Mr. Forſyth at all cohabit with his ſecond wife, Miſs Wilſon?—*A.* Yes.

Q. How long did he live with her?—*A.* I think, about twelve years to the beſt of my knowledge, at different places.

Q. At what place did they live, when they were married?—*A.* In Mancheſter, ſome years, and then there was an account given that he had another wife; upon hearing that, my ſiſter left him, and at laſt of all, I ſuppoſe he thought it not proper to ſtay in the neighbourhood, and he went away to London.

Q. Do you know that any warrant was iſſued againſt Mr. Forſyth?—*A.* Yes, he was ſerved with it.

Q. Did he ſurrender upon that warrant?—*A.* I was told ſo.

Court. *Q.* Were you preſent?—*A.* No.

Croſs-examined by Mr. Garrow. *Q.* You were preſent at the examination afterwards, when he was admitted to bail?—*A.* Yes.

Q. And you were preſent when he ſurrendered to day?—*A.* Very well, ſir.

Q. What is the ſituation in life of Miſs Margaret Wilſon—I ſuppoſe he married her for her fortune?—*A.* She had not much fortune, I believe.

Q. He cohabited with her after marriage, I ſuppoſe, as he had done before?—*A.* He did not cohabit with her before marriage.

Q. You have ſaid, there was no cohabiting before—do you mean to ſay that?—*A.* Yes; excepting their courtſhip.

Q. Do you mean to ſay, to your own knowledge, they did not cohabit together, and it was at your ſolicitation to make an honeſt woman of her that he married her?—*A.* No.

Court. Are you the perſon that took out the warrant?—*A.* No.

Q. When was it taken out?—*A.* I cannot exactly ſay, my brother took it out.

JAMES WILSON *ſworn.*—*Examined by Mr. Hovel.* *Q.* Did you take out a warrant againſt Mr. Forſyth upon this charge?—*A.* I did.

Q. He was not taken into cuſtody, but ſurrendered upon that warrant?—*A.* He did, at the Police-office, Hatton-Garden.

Court. *Q.* When did you take out a warrant?—*A.* I think it was in May laſt.

Q. Had the priſoner any notice of the warrant?—*A.* I believe he had, from Mr. Railton, who wrote to him upon the buſineſs.

(Mr. Garrow took an objection, that the priſoner ought not to have been tried in the county of Middleſex.)

Mr. Juſtice Buller. This offence is not committed in the county of Middleſex, and it has not been proved that the priſoner was apprehended in the county of Middleſex; the firſt marriage was in Ireland, and the ſecond in Lancaſhire, and here is neither warrant nor recognizances, nor apprehenſions, nor any one thing to prove the caſe.

NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. Juſtice BULLER.

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418. WILLIAM KELLEY was indicted for being found feloniouſly at large in this kingdom, before the expiration of the term for which he was ordered to be tranſported.

THOMAS SIMPSON *ſworn.*—*(Produces a copy of the record of the priſoner's conviction.)* I ſaw Mr. Shelton ſign it; *(it is read.)* I was preſent at the the bar when he was tried and convicted at the ſeſſions, in December, 1796.

Q. How long had he been in cuſtody before that time, ſo as to enable you to be certain he is the man?—*A.* He was in cuſtody with us for ſome months afterwards; he had a conditional pardon to ſerve as a ſoldier, in the 60th regiment, in the Weſt-Indies; I was not preſent at the delivery of him, he was ſent to Southampton, about ſix or ſeven months after his conviction.

—— RILEY *ſworn.*—On the 6th of May, a little after four in the morning, I ſaw the priſoner and another perſon, of the name of Thomas Purſell, that I ſuſpected of being baſe characters, inſpecting all the areas; the priſoner attempted to get into a bakar's yard, in Carburton ſtreet, but was prevented; I took him into cuſtody, he was only liberated on the 1ſt of May from the Houſe of Correction, where he had been ſix months upon a conviction, as a rogue and vagabond.

PETER JACOBS *ſworn.*—I am ſervant to the keeper of Clerkenwell priſon; I was going to lock the

the priſoner up, and he told me he was a returned tranſport; he ſaid, he was tried along with his wife; he ſaid, ſhe was acquitted, and he was convicted, and he deſired me to tell Sir William Addington ſo, which I did.

Priſoner's defence. I was pardoned for a ſoldier; I went to Southampton, I went on board a tranſport, I was ſent a-ſhore to ſick quarters, at Southampton; I had been out late one night, and was preſſed on board the Royal William, at Spithead, and then drafted on board the Albion, and there I remained till ſhe was caſt away off Harwich, coming up Swinn, and then I was drafted on board the Sandwich, and then ſent on board the Lancaſter, at Long-reach; then I was ſent to Woolwich at ſick quarters, and from thence to Guy's-hoſpital; when I was diſcharged from there, I went to Somerſet-houſe, and had my free diſcharge. *(Produces a certificate of the diſcharge from the Lancaſter, of a perſon of the name of William Ruſſell, dated from the Sick and Hurt Office.)*

Q. (To Simpſon.) Do you know if this man ever went by the name of William Ruſſell?—*A.* Never.

Q. (To Jacobs.) Do you know any thing of his going by the name of William Ruſſell?—*A.* Yes; I have never known him by any other name.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice LAWRENCE.

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419. JOHN PORTEES, otherwiſe DAY, was indicted for feloniouſly ſtealing, on the 25th of December, ſix printed bound books, value 10s. the property of Richard Hill.

The caſe was opened by Mr. Matthews.

RICHARD HILL *ſworn.*—I am an attorney, in Carey-ſtreet: I was abſent from the 5th to the 25th of December laſt, during which time I left the priſoner in care of my houſe; when I returned, I miſſed ſome of my books, the only book I have been able to trace, is, the ſecond volume of Term Reports, my clerk found it at Mr. Fleming's, a pawnbroker in Fetter-lane, on Monday laſt.

Priſoner. Q. I wiſh to aſk Mr. Hill, whether he and his wife have not been in the habit of pawning every little trifling thing about the houſe, from September 1796, to this time?—*A.* I never pawned any thing myſelf, and I have no reaſon to believe my wife ever did, I am ſure ſhe never had any occaſion.

Court. Q. Have you never directed any other perſon to pawn any thing for you?—*A.* Never.

Priſoner. He has got, now, in the houſe, duplicates, from pawnbrokers, in different names, to the amount of 11*l.*

Mr. Hill. I have ſome duplicates at home, which I have got as a ſecurity for money, belonging to another perſon.

Priſoner. Q. Have you your watch in your pocket now?—*A.* No.

Priſoner. Q. Upon your oath, is it not in pawn?—*A.* It is; I was in cuſtody at the time.

Court. Q. Then what did you mean by telling me you had never pawned any thing?—*A.* My brother pawned that; I was under the neceſſity of pawning it, being locked up at the time for a large ſum.

HENRY HILL *ſworn.—Examined by Mr. Matthews.* I am brother of the laſt witneſs; the priſoner was left in poſſeſſion of my brother's houſe, from the 5th to the 25th of December.

Q. Had he acceſs to your brother's library?—*A.* Yes; when my brother came home, he miſſed ſix or ſeven books.

Court. Q. Do you know that the books had been there?—*A.* Yes; I have frequently read thoſe books that were miſſing during his abſence.

Court. Q. Subſequent to the time of your brother leaving town, had you yourſelf ſeen the ſecond volume of Term Reports?—*A.* Yes.

Court Q. That you ſwear?—*A.* I do.

Q. I mean that ſecond volume which your brother had?—*A.* Yes; the ſame that has been ſince produced; I do not mean to ſay that my brother was out of town, but he was abſent from home.

Q. During that time, did your brother never come to the houſe?—*A.* No; I do not believe he did; I had acceſs to the houſe ſeveral times.

Q. Who was left in the houſe beſides the priſoner?—*A.* His wife and two young ſervant girls.

Court. Q. Was the priſoner left in the houſe?—*A.* Yes; he was my brother's clerk; at that time he uſed to keep the key of the office, and take it with him when he went out.

Q. You do not ſleep in the houſe?—*A.* No; I only uſed to come there frequently.

Q. Are you an aſſiſtant to your brother in his buſineſs?—*A.* No.

Q. What buſineſs are you?—*A.* I am in the ſame profeſſion.

Croſs-examined by the Priſoner. Q. Were you ever at Mancheſter?—*A.* Yes.

Q. Do you know one Mr. Smith of Mancheſter?—*A.* I know ſeveral gentlemen at Mancheſter.

Court. Q. Do you know Mr. Smith?—*A.* I believe I do know ſuch a name.

Priſoner. Q. Had you ever any dealings with Mr. Smith, at Mancheſter?—*A.* Yes, I have.

Q. Did you ever draw a bill in the name of Chickledy and pay it to Mr. Smith to ſwindle him out of goods.

Court. You muſt not aſk that queſtion.

HENR

HENRY WHEATLEY *ſworn.*—I am ſervant to Mr. Fleming, a pawnbroker; I took in this book of a man, on the 22d of December, in the name of John Portees, and I think the priſoner is the man, he is rather a remarkable man, but it is a long time to charge my memory, it is the only time I had any tranſaction with him, I have no doubt but he is the man.

Q. Can you poſitively ſay, he is the man?—*A.* I cannot. *(Produces the book.)*

Q. Do you believe it to be the man?—*A.* Yes.

Hill. This is one of the books that I left in my houſe on the 5th of December; here is a direction in it that I received to bring an action, I am ſure it is mine.

Priſoner's defence. My Lord, the warrant upon which I was taken, bears date the 18th of January laſt, and it charges John Portees, alias John Day. Now Mr. Hill knows that my name is John Portees, but he chuſes to alias me, becauſe he wiſhes to defame me. Mr. Hill, the whole time I was with him was in the conſtant habit of pawning every little trifling thing in the houſe; I have known the houſe many times bare of every thing, without a table-cloth, or a tea-ſpoon in the houſe. Mrs. Hill can neither read nor write, and ſhe has given me the tickets to pick out particular things for her when ſhe has wanted them out, and I have ſeen even the ticket of a child's cap, that had been pawned for four-pence, and they always pawned things in other people's names, particularly in the name of Mrs. Williams, of Tottenham-court-road, a perſon not of the beſt character in the world; two children uſed to fetch and carry theſe things backwards and forwards. When they have had company, they have been obliged to borrow tea-ſpoons, becauſe their own were in pawn; I only came down here laſt night between eleven and twelve o'clock, if I had had further time, I ſhould have had ſome witneſſes to prove what I have already ſtated. When I was taken up, I had Lord Kenyon's ſubpœna about me, to attend the Grand Jury, at Weſtminſter, to give evidence upon a bill of indictment againſt Mr. Hill, for perjury; he ſaid to a perſon that is now in Court, that if I went to give evidence againſt him, he would take me up upon that warrant, and as ſoon as I came out of the Grand Jury room, I was taken up upon that warrant. With reſpect to pawning the book in queſtion, I ſolemnly declare to your Lordſhip I never did; and, with reſpect to the ſecond witneſs, a very few days indeed will ſhew what a ſituation he will be in, on account of ſome tranſactions at Mancheſter; there have been ſeveral perſons up from Mancheſter to take him, but have not yet been able to find him.

For the Priſoner.

(The original writ of ſubpœna produced and read.)

THOMAS SIMPSON *ſworn.*—I am ſervant to Mr. Kirby: I went up with a perſon of the name of Pinder, who is mentioned in that ſubpœna, upon an Habeas-Corpus, to Guildhall, Weſtminſter, to go before the Grand Jury, I went up with Jonas Waite, one of my fellow ſervants, and ſeveral debtors; as we were going into Weſtminſter-hall, it being too ſoon to go before the Grand Jury, I ſaw Mr. Hill, Mr. Hill ſaid, take care of that fellow, meaning Pinder; after we had ſtopped there ſome time, I thought it was time to go to Guildhall; we went to Guildhall, that was at ten o'clock, and we were informed the Jury would not meet till eleven; Pinder ſaid to me, we may as well walk up and down here till eleven, and then we ſhall not be out of the way; we walked about, and met with the priſoner; when we got to Guildhall door, I ſaw Mr. Hill again, he came up to me, and ſaid, ſo I ſee you have brought up Pinder; yes, Sir, ſays I, I have; why, ſays he, there is that other fellow that is with him, if he attempts to go before the Grand Jury, the moment he comes out I will apprehend him upon this warrant, ſhewing me the warrant; then he aſked me if I knew of any conſtable about there, there was one belonging to Bow-ſtreet ſtanding cloſe to me; I told him that was an officer; he took him on one ſide, and ſhewed him the warrant.

Q. Did he ſay what he would have him taken up for?—*A.* He ſaid for a felony.

Q. Did you ſtay there till after they had given their evidence?—*A.* Yes.

Q. Where was Mr. Hill?—*A.* With the officer, at the door; and the moment he came out, he took him up.

Croſs-examined by Mr. Matthews. *Q.* How long was this ago?—*A.* I believe it was laſt Monday was a week, or Tueſday.

Q. And you recollect preciſely the words he ſaid?—*A.* Yes.

Q. Now were not theſe his words: I have had a warrant againſt this man a conſiderable time, I have not been able to find him till now, and as ſoon as he comes out I will apprehend him?—*A.* No; he ſaid, if he attempts to go into the Grand Jury-room, the moment he comes out I will apprehend him upon this warrant.

Hill. My Lord, I beg leave to explain this.

Court. We do not ſit here to hear ſpeeches, but to hear facts.

Hill. I only mean to ſtate facts. I went down for the expreſs purpoſe of preferring a bill of indictment againſt Pinder; I preferred my bill, the Grand Jury found it a true bill, and threw out theirs. Happening to be down at Weſtminſter, I aſked the laſt witneſs for an officer; I gave the warrant to a man of the name of Rice; the priſoner had been out of the way five months, and I told

Rice

Rice I would be glad if he would take him as ſoon as he came out of the Grand Jury-room, but particularly deſired him not to moleſt him, or take any notice of him till after he had come out of the Grand Jury-room.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice LAWRENCE.

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420. RANDALL SMITH was indicted for being found feloniouſly at large, in this kingdom, before the expiration of the term for which he was ordered to be tranſported.

THOMAS SIMPSON *ſworn.—(Produces a copy of the record of the priſoner's conviction.)* I ſaw Mr. Shelton ſign it. *(It is read).*

Q. Is the priſoner the man to whom that conviction applies?—*A.* Yes; he was delivered in January, 1795.

Q. For how long a time might you have an opportunity of ſeeing him before his conviction?—*A.* It might be a fortnight, I cannot ſay juſtly.

Q. Have you any doubt at all that he is the man that was convicted at that time?—*A.* I have none; he had a conditional pardon to ſerve as a ſoldier in the 60th regiment in the Weſt Indies; he went to Southampton along with others, I cannot ſay when. *(Mr. Kirby produced a copy of the conditional pardon).*

JOHN COOKNEY *ſworn.*—I attend the office at Bow-ſtreet: On the 3d of May I went, with ſome more officers up to Hyde-park, the City Light Horſe Volunteers were reviewed that day; and juſt as we got to Groſvenor-gate, we ſaw about eight ſuſpicious people, which attracted our attention, and ſomebody pointed out a pickpocket; I was deſired to lay hold of the priſoner Smith, which I did; upon ſearching him, I found a ſilver ſnuff-box; we took him to the Police-office; he ſaid the box did not belong to him, it might probably have been put into his pocket. I detained him, and adverti ſed the box, but have not been able to find the owner.

(The priſoner put in a written defence, which was read as follows):

My Lord, and Gentlemen of the Jury, I moſt humbly beg leave to crave your Lordſhip's attention for a few minutes. When I laſt appeared at this bar, I felt the ignominy of my ſituation ſo much, that I was determined, had not the Royal mercy interpoſed, to have devoted my future life to a ſincere repentance for my paſt indiſcretions; but his Majeſty was pleaſed to pardon me upon condition of ſerving as a ſoldier in the 60th regiment, which I joined at Tobago; and having done duty there for three months, was reported unfit for ſervice, and ſent to England under the command of Major Martin and Captain Court; we arrived at Spithead in September, 1796, and were diſcharged in the October following; I then returned to London to a diſtreſſed and diſconſolate family, thinking I had received a general diſcharge from the army. I truſt I ſhall be able to prove what I have here ſtated. Since I came to England, I have conducted myſelf with the greateſt propriety, but, unfortunately, when a man has once appeared at this bar he is ever looked upon with ſuſpicion; I therefore throw myſelf upon the candour of your Lordſhip, and the Gentlemen of the Jury, convinced they will act with that impartiality which ſo peculiarly characteriſes the Juries of this country.

For the Priſoner.

WILLIAM BARNES *ſworn.*—I entered as a ſoldier in the 60th regiment to go to the Weſt Indies.

Q. Did you go under any pardon?—*A.* Yes.

Q. Do you know the priſoner?—*A.* Yes; he went over in the ſame ſhip with me, and ſerved ſome months in Tobago; he was then examined by the doctor, and was declared unfit for ſervice, and ſent back to England.

Q. What was his complaint?—*A.* Age, I believe.

Q. How did you get home?—*A.* I was wounded in the right leg, and diſcharged from the regiment. *(Produces his diſcharge).*

Q. If the priſoner had come over as an invalid, would not he have received the ſame ſort of diſcharge—this is a regular diſcharge?—*A.* I cannot ſay.

Q. Did he come home in the ſame ſhip with you?—*A.* No; I was a corporal in the regiment when he was ſent home, I ſaw him go on board the ſhip; I underſtood he was diſcharged from the ſervice.

JOHN GILLET *ſworn.*—I am a ſoldier in the 60th regiment, in the Weſt Indies, I went upon a pardon.

Q. Were you diſcharged?—*A.* Yes; *(produces his diſcharge);* I went over in the ſame ſhip with the priſoner, he was ſent home as an invalid, being hurt in the ſhoulder; I think he went on board ſhip with Captain Court and Major Martin, and embarked for England, that was nearly two years before I returned.

Priſoner. I left my diſcharge at Portſmouth Barracks; I did not know but it was to be left there.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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421. WILLIAM GREEN was indicted for feloniouſly ſtealing, on the 8th of June, a copper, value 10s. the property of John Shepherd, clerk, fixed to a certain out-houſe of his, he having no title or claim of title thereto.

(The caſe was opened by Mr. Jackſon).

JOHN SHEPHERD, clerk, *ſworn.*—On Friday morning, the 8th of June, I loſt a copper, I might

might have ſeen it two or three days before, it was ſet in brick and mortar, as coppers are generally ſet; it was not miſſed till ſix or ſeven o'clock in the morning; I had been up the night before as I uſually am, reading or writing, till one o'clock in the morning. I found one half of the circle of the brick-work knocked down upon the floor.

CHRISTOPHER CRIDLAND *ſworn.*—I am an officer belonging to Bow-ſtreet: On the 8th of laſt month, between nine and ten at night, I was going upon duty down the Uxbridge-road, and under the wall, going to Bayſwater, I ſaw the priſoner with a ſack on his head, which contained this copper, *(producing it)*; I aſked him how he came by it, and he ſaid he found it. I took him to the watch-houſe, and finding that Mr. Shepherd had loſt a copper, I deſired him to come down to the office.

Q. (To Shepherd). Is there any road from your houſe to Bayſwater?—*A.* Yes, the commoneſt road in the world, infeſted by thieves every evening.

Q. Look at that copper?—*A.* This copper very much reſembles mine, I cannot be phyſically certain, but I believe it to be mine; I ſent for a builder, who meaſured the diameter of the copper and the diameter of the circle, and they correſponded, it was formerly a brewing copper, but has been lately uſed as a waſhing copper; the bottom of it was convex inſtead of concave, but I cannot ſay whether the convexity of this copper may not have been occaſioned by the bruiſes it has received; there is alſo an incruſtation round the bottom, occaſioned by a ſediment left from the waſhing; there was a ſheet of lead at the upper part, which went down on the inſide an inch, or rather more, and either the cement or the lead had left a little whiteneſs on the copper, and there is ſomething of that kind upon it now; but that white mark appeared ſtronger than any white mark that I perceive here.

ANN ATKINS *ſworn.*—I am ſervant to Mr. Shepherd, I have lived with him ſome years. I deſcribed the copper at Bow-ſtreet, that I ſhould know it by the riſing in the middle, and ſome dirt round the bottom.

Q. Do you remember to have ſeen that dirt after the laſt time of uſing it?—*A.* Yes; it was occaſioned by the laſt time of uſing it.

Q. Look at that copper?—*A.* I ſee the ſame marks very plain.

Q. Is the appearance ſo ſingular as to enable you to ſwear to it?—*A.* Yes; and there is a white mark round the top, by which I know it to be my maſter's.

SARAH TODD *ſworn.*—I am ſervant to Mr. Shepherd: I have very frequently cleaned the copper, and I know it by the riſing in the middle; I have not the leaſt doubt but this is Mr. Shepherd's copper.

SUSANNAH WEBB *ſworn.*—I know this copper to be Mr. Shepherd's, I uſed to clean it; I know it by this white at the top; I have no doubt of it's being Mr. Shepherd's copper.

Cridland. I ſearched the priſoner, I found nothing on him but a knife; he ſaid he had found the copper in a ditch. He had no money about him.

Priſoner's defence. I went to ſee for a job of work at Mr. Adams's, at Porto-Bello Farm, and coming home, I found this copper in a ſack in the ditch, I was going to take it to the Spotted Dog, a houſe that I uſe, till it was advertiſed.

Jury. (To Cridland). *Q.* How far from Mr. Shepherd's houſe was it that you took the priſoner?—*A.* About half a mile. There is a path from Mr. Shepherd's houſe to Bayſwater.

Court. *Q.* Do you know whereabouts Porto-Bello Farm is?—*A.* Yes, it is near Kenſington-gate; it lies between that road and the Harrow on the Hill road.

GUILTY.

Confined twelve months in the Houſe of Correction, fined 1s. and diſcharged.

Tried by the firſt Middleſex Jury, before Mr. Juſtice LAWRENCE.

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422. WILLIAM OAKLEY was indicted for feloniouſly ſtealing, on the 26th of May, two tin milk-pails with covers, value 10s. the property of Reuben Mayne.

REUBEN MAYNE *ſworn.*—On the 26th of May, I pitched a pair of pails and covers at the door of the Maidenhead, in St. Luke's pariſh, about a quarter before eight in the evening; I went in to get a glaſs of ale, I drank my ale, and lighted my pipe, and when I came out in a quarter of an hour after, the pails were gone. They were found by the conſtable about eight days after.

JOHN GASS *ſworn.*—I am a conſtable: I went, in company with a broker, to ſeize ſome goods, and in the priſoner's apartments were theſe milk-pails and covers, that was on the 2d of June; I knew him before, and knew that he lived there. *(Produces the property).*

Mayne. Theſe are my pails, I know them by my name being on them.

AMY RIX *ſworn.*—The priſoner lodged in my houſe. I ſaw the priſoner bring the pails in, on the 26th of May, about eight in the evening, and take them into his own apartment.

Priſoner's defence. I never had them in my poſſeſſion, or ever touched them.

GUILTY (Aged 64.)

Confined ſix months in the Houſe of Correction, and fined 1s.

Tried by the firſt Middleſex Jury, before Mr. Juſtice BULLER.

423. WILLIAM

423. WILLIAM ELLIS was indicted for feloniously ſtealing, on the 17th of June, a metal watch, value 30s. a ſteel watch-chain, value 1s. 6d. a cornelian ſtone ſeal, value 12d. two braſs watch-keys, value 1d. and a ſilk handkerchief, value 1s. 6d. the property of John Bodenham.

JOHN BODENHAM *ſworn.*—I keep the Angel, in the City-road: On the 17th of June, the priſoner came in with another man and called for a pint of porter; he took an opportunity of going up ſtairs, he came down again, and went out; and in conſequence of what my girl told me, I went after him, and told him he muſt come back; then he ran away, and I purſued him, and took him; when I brought him back, I miſſed my watch.

—— MANN *ſworn.*—On the 17th of June, the priſoner was brought back into the parlour; while the conſtable was gone for, I ſaw the watch in his hand under his coat, and a gentleman who was in the room, immediately took it from him. The officer has the watch.

JOHN LEE *ſworn.*—I took the watch out of his hand, and gave it to Mr. Mann.

(John Burland, the officer, produced the watch, which was depoſed to by the proſecutor).

Court. (To Bodenham). *Q.* Where was the watch before it was loſt?—*A.* It hung at the bed's head, up two pair of ſtairs.

The priſoner did not ſay any thing in his defence.

GUILTY (Aged 22.)

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury, before Mr. Juſtice LAWRENCE.

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424. MARY ATKINS was indicted for feloniouſly ſtealing, on the 1ſt of June, a cotton gown, value 10s. the property of Thomas Davis.

JOHN CARROOD *ſworn.*—I am ſervant to Mr. Thomas Davis, a pawnbroker: On Friday, the 1ſt of June, between ſeven and eight in the evening, the priſoner at the bar came in, and ſaid ſhe had loſt the duplicate of two handkerchiefs; when ſhe went away, I went to the door, and miſſed a cotton gown that was hanging up at the door; I ſaw her croſs the road not a dozen yards from the houſe, ſhe had a bundle in her apron; ſhe went through a public-houſe, which is a thoroughfare into Biſhopſgate-ſtreet, I immediately purſued her, and took the gown from her, it has a private mark upon it in my own hand-writing. *(Produces it).* I have kept it ever ſince.

Priſoner's defence. I was very much in liquor, a young fellow gave it me to pawn for him, and as I was going to pawn it for him, this young man came up and took it from me.

GUILTY (Aged 26.)

Tranſported for ſeven years.

Tried by the London Jury, before Mr. RECORDER.

425. JACOB JONAS was indicted for that he, in the King's highway, in and upon James Smith, on the 31ſt of May, did make an aſſault, putting him in fear, and taking from his perſon a watch, with two caſes, made of ſilver, value 3l. a gold watch-chain, value 20s. two gold watch-keys, value 10s. and a cornelian ſeal ſet in gold, value 10s. the property of the ſaid James Smith.

JAMES SMITH *ſworn.*—I am a broker, in Lombard-ſtreet: On Thurſday the 31ſt of May, about a quarter paſt nine o'clock in the evening, going thro' Jewry-ſtreet, Aldgate; I had come out of Mr. Kegg's houſe about three yards, when I ſaw the priſoner at the bar in the ſtreet before me, he immediately made a bow to me, and ſeeing that I was lame, he ſnatched the watch from my pocket.

Q. Did you make any reſiſtance?—*A.* No; he ſnatched at my watch, and went off directly with it.

Q. Before that, did he ſtop you, or ſay any thing to you?—*A.* Not a word; it was a ſilver watch, with a gold chain, two gold watch-keys, and a gold ſeal, I valued it at 5l. he went towards Aldgate, and in about two or three minutes he was brought back again, when I recognized him immediately.

Q. Have you any doubt about his perſon?—*A.* Not the ſmalleſt; I afterwards ſaw the watch in the hands of the conſtable.

Q. Was it light?—*A.* Yes; there were no lamps lit.

Q. What ſort of hat had he on?—*A.* A round hat.

Q. Was it his clothes or his perſon that you knew him by?—*A.* More by his perſon than his clothes.

Croſs-examined by Mr. Alley. *Q.* This was juſt about the duſk of the evening?—*A.* Yes.

Q. And you had never ſeen this man before?—*A.* No.

Q. Had he a round hat on?—*A.* Yes.

Q. And you are a head taller than he is, I think?—*A.* Not ſo much as that.

Q. Do you mean to ſwear, that if you had ſeen that man at any future time, not being in cuſtody, that you would have known him again?—*A.* Yes.

Q. How long might this affair have taken up?—*A.* Not above three minutes.

Q. And will you undertake poſitively to ſwear to a man's face under thoſe circumſtances?—*A.* Yes.

Q. How many other people might there be about?—*A.* There happened to be nobody at all in the ſtreet; he was taken in the ſame ſtreet, but I did not ſee him taken.

Q. How far is the place where you were robbed from the place where the priſoner was brought back to you?—*A.* About two hundred yards.

JOHN SMITH *ſworn.*—I am a deputy cornmeter: I was going up Jewry-ſtreet, about ten minutes

minutes after nine o'clock, I heard an uproar at the bottom of the ſtreet, and a man came running up Jewry-ſtreet crying ſtop thief, ſtop thief, and ſeeing nobody before him I naturally thought he was the thief; I then tripped up his heels, and he chucked away the watch with his left hand, we both fell together, I turned round and caught him by the collar; in the mean time a young man came by, and ſeeing the watch lie picked it up, and ſaid, here is the watch, his name is Phillips; when the priſoner fell, I ſaw him ſlide the watch along the pavement to a conſiderable diſtance, he did not chuck it away, I ſaw the watch-chain in his hand; I delivered him to Mr. Pinner, in Jewry-ſtreet.

Croſs-examined by Mr. Alley. Q. What part of Jewry-ſtreet was it that you ſtopped the priſoner?—*A.* That end next Aldgate.

Q. And becauſe the priſoner called out ſtop thief, you were kind enough to ſuppoſe he was the thief?—*A.* I had every juſt reaſon; I looked ſtraight forward and ſaw nobody before him.

Q. Upon your oath, don't you know you will have a ſhare of a forty pounds reward?—*A.* No, I do not.

Q. Did you never hear of a reward of forty pounds?—*A.* Yes.

Q. Do you know the Roe-buck public-houſe in Shoemaker-row—do you know Mr. Chapman?—*A.* No.

Q. Did not you tell Mr. Chapman it might be a nice thing for you?—*A.* I told Mr. Chapman if I had any ſhare of it I would put it to a good uſe, I would give it to ſome charity or other.

Q. Do you or not know that there is ſuch a reward?—*A.* I do not wiſh to have it; but if I was to have it, I would give it to ſome charity; I come here to ſpeak the truth, I know nothing of either of the parties.

Q. This was about the duſk of the evening?—*A.* It was between fifteen and twenty minutes after nine o'clock.

Q. When was it that he threw away the watch, before you fell or after?—*A.* We both fell together, and as ſoon as we had fell, he ſcaled the watch away.

Q. Upon your oath, did you even ſee the watch in the man's hand at all?—*A.* I ſaw the chain, and not only the chain, but I afterwards ſaw him chuck it away.

Q. Have you ever ſeen the watch ſince?—*A.* I have.

Q. Was the watch-glaſs broke?—*A.* There was nothing broke.

WILLIAM PHILLIPS *ſworn.*—As I was coming out of the court where I live, I heard the cry of ſtop thief, there was a mob, and I enquired what was the matter, and they told me; I ſaw the watch lying on the ground, and I picked it up, the conſtable came up and I gave it to him.

Croſs-examined by Mr. Alley. Q. When you came out there was a mob collected?—*A.* Yes.

Q. What time was it?—*A.* About a quarter after nine; I had juſt left work.

Q. What are you?—*A.* A watch-maker.

THOMAS PINNER *ſworn.*—I am an officer, *(produces the watch):* On the 31ſt of May, between nine and ten at night, near my own houſe, I heard a cry of ſtop thief; I went out into Jewry-ſtreet, and found Mr. Smith, the corn-meter, had got hold of the priſoner; I took hold of the priſoner directly, and enquired who gave charge of him; ſomebody ſaid, the proſecutor was in the highway, but had fell down; with that, I brought the priſoner to Mr. Smith, in the middle of Jewry-ſtreet; while I was going with the priſoner to Mr. Smith, Phillips holloaed out, here is the watch, I have found the watch; Phillips gave me the watch, and I have had it ever ſince. Mr. Smith immediately ſaid, that is the man that robbed me juſt now; I aſked him if he ſhould know the watch; he ſaid the maker's name was Grant, in Fleet-ſtreet. I ſearched him, but found nothing upon him except this whip, which he had in his hand. *(Produces the watch).*

Mr. Smith. This is my watch, I know the maker's name but not the number; and I know it by the ſeal, the keys, and the chain.

Priſoner's defence. As I was coming along I heard the cry of ſtop thief; I never had the watch in my cuſtody at all.

GUILTY of ſtealing the watch. (Aged 40.)

Tranſported for ſeven years.

Tried by the London Jury, before Mr. RECORDER.

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425. JOHN HUTT was indicted for feloniouſly ſtealing, on the 8th of June, two pints of olive oil, value 3s. two pints of other oil, value 3s. and two flaſks, value 1d. the property of George-Allen Aylwin, and Thomas Chapman.

The caſe was opened by Mr. Alley.

GEORGE-ALLEN AYLWIN *ſworn.*—*Examined by Mr. Alley.* I am in partnerſhip with Mr. Thomas Chapman; the priſoner formerly lived with me as an extra man; he had been diſmiſſed from our ſervice the day before, I believe: Between one and two o'clock on the 8th of June, I ſaw the priſoner in the yard; ſome of the men in the yard ſaid, that two flaſks of oil that were on the place, had been taken from the priſoner; he made no particular reply then, but I deſired ſome of my people to go immediately for a conſtable; I aſked him, if he would ſhew the conſtable where he took them from.

Q. Did

Q. Did you make him any promiſe if he did, or uſe any threat if he did not?—*A.* No.

Mr Knapp. Q. That was not till after the conſtable came?—*A.* No.

(Mr. Knapp contended, that being in the power of a conſtable, when he was aſked the queſtion, amounted to a threat or promiſe, and that he was induced to confeſs, in conſequence of being in that power.)

Court. I really think it does not.

Mr. Knapp. Q. Did not the conſtable, or any other perſon ſay, it would be better for him?—*A.* Not to my knowledge; it was not ſaid within my hearing, nor do I know that it was ſaid—I deſired the conſtable to go with him, and I went with him, and he pointed out the place where he had taken it from.

Mr. Alley. Q. The oil was in flaſks?—*A.* Yes; the priſoner went paſt the warehouſe, and ſaid, he believed he took them from there, and then he came into the warehouſe, and ſaid, that was the place he had taken them from; there was a vacancy in one half cheſt of two flaſks; I taſted the oil, and it was the ſame ſort of oil, it was new oil, and I was ſatisfied it muſt have come from that warehouſe.

Croſs-examined by Mr. Knapp. Q. I take it, if you had taſted any other new oil, it would have had much the ſame taſte?—*A.* It would.

Q. Do you ſell oil by retail?—*A.* No; we are agents.

Q. You ſend ſamples out?—*A.* Yes.

Q. You will not take upon you to ſwear, that there were no ſamples went out that day?—*A.* I cannot ſay that there were, I do not think there were.

EDWARD ROBERTS *ſworn.—Examined by Mr. Alley.* I am a conſtable; I was ſent for by Mr. Aylwin, to take the priſoner into cuſtody, I did not find any thing upon him; Mr. Aylwin deſired me to take him into the warehouſe, and aſk him the particulars; I aſked him if he knew the place where he took the oil from.

Q. Did you tell him it would be better for him to confeſs, or that it would be worſe for him if he did not?—*A.* No; there was a cheſt up ſtairs, where the firſt tier of bottles were gone, the ſecond tier had bottles removed out of it, and he ſaid, that is the cheſt I took it out of.

The priſoner left his defence to his Counſel, and called three witneſſes, who gave him a good character.

GUILTY (Aged 50.)

The priſoner was recommended by the Jury to mercy.

Whipped in the gaol, and diſcharged.

Tried by the firſt London Jury, before Mr. RECORDER.

426. GEORGE RENNY was indicted for feloniouſly ſtealing, on the 2d of June, thirty pounds weight of lump ſugar, value 30s. the property of Thomas Newman.

WILLIAM WATSON *ſworn.*—I am ſervant to Mr. Thomas Newman, waggoner: On Saturday the 2d of June, between three and four in the afternoon, I took the priſoner in the waggon, with the loaf of ſugar in his hand, he was very abuſive, it was in a brown paper parcel. *(Produces it.)*

Q. Is there any writing upon it?—*A.* Yes, but I cannot read.

Q. Did you ſee any vacancy for it?—*A.* Yes.

Q. Had he lifted the ſugar out of the place that it was in?—*A.* Yes; he had it in his arms, and I made him lay it down; I delivered the ſugar to Mr. Atkins; I am ſure this is the ſame parcel.

RICHARD ATKINS *ſworn.*—I keep the Vine inn; I had not left the waggon two minutes, when I heard ſomebody ſay, the waggon is robbed, I turned round directly, and ſaw the priſoner in the waggon.

Q. *(To Watſon.)* What is the value of the ſugar?—*A.* About thirty ſhillings, it is worth one ſhilling a pound; the priſoner uſed very abuſive language indeed.

Priſoner's defence. I now belong to the Sea-horſe frigate; I got leave to come a-ſhore to ſeek after my prize money that was due to me from the Scorpion ſloop of war; I am entirely innocent of it, I was never in the waggon at all.

GUILTY (Aged 17.)

Judgment reſpited to be ſent on board his ſhip.

Tried by the firſt London Jury, before Mr. RECORDER.

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427. ROBERT LUSBY was indicted for breaking and entering the dwelling houſe of James Peake, about the hour of twelve in the night of the 25th of May, with intent the goods in the ſaid houſe, burglariouſly to ſteal, and ſtealing 11 planes, value 6s. a ſaw, value 1s. and two pair of leather ſhoes, value 4s. the property of the ſaid James.

JAMES PEAKE *ſworn.*—I keep a houſe, No. 2, Worſhip-ſtreet, Finſbury-ſquare, I am a coach-maker: On the 26th of May, about ten in the fore-noon, I miſſed two pair of ſhoes out of the work-ſhop, and about eleven, one of the officers came to tell me they had got my apprentice at the office, that was the priſoner; I got up about ſix o'clock in the morning, and found the door of the work-ſhop open backwards.

Q. Is that work-ſhop a part of your dwelling-houſe?—*A.* No, it is not under the ſame roof; there is a little bit of a yard between, of about eight feet, more or leſs, or it may be ten feet; the dwelling-houſe fronts Worſhip-ſtreet, and we paſs through

through the dwelling-houſe into this ſmall yard, and then there is a waſh-houſe, and the work-ſhop is over that.

Q. Did you faſten it the night before?—*A.* No, my ſon did, he is not here; the back door of the ſhop had been opened, and the faſtening thrown upon the ground, the window appeared to be juſt the ſame as uſual. About ten o'clock in the morning, I miſſed two pair of ſhoes; I did not miſs any thing elſe till I ſaw the planes at the office; and ſeeing a bag on the table, I thought I ſaw the toes of my ſhoes through the bag, there were eleven planes, a ſaw, and two pair of ſhoes in the bag; they were all mine.

Q. Where had this apprentice of your's been the night before?—*A.* He had left me a year and a half; I cancelled the indentures before a Magiſtrate.

Q. When had you ſeen the planes and the ſaw before?—*A.* I cannot poſitively ſay; I might have uſed them the day before, or perhaps not for two or three days; I had ſeen the ſhoes the day before, I hung them up myſelf.

JOHN GLOVER *ſworn.*—I am a patrol of St. John's, Hackney: On the 26th of May, about half-paſt two in the morning, I met the priſoner at a place called the Grove, at Hackney; ſeeing him with a bag, I aſked him what he had got there; he ſaid, carpenter's tooks; I aſked him where he was going with them, and he ſaid, he was going to work at Mr. Brace's, at Walthamſtow, where he was doing a job; I was not ſatisfied with that, and I took him to the watch-houſe; I ſearched him and found a number of duplicates upon him, the other officer took from him a pair of piſtols.

JAMES GRIFFITHS *ſworn.*—I was in the watch-houſe when the priſoner was brought in by Glover, and I ſearched him and found a brace of piſtols in his waiſtcoat pocket. *(Produces the piſtols, and the property, which was depoſed to by the proſecutor.)*

The priſoner did not ſay any thing in his defence.

GUILTY, of ſtealing the goods, but not of breaking and entering the dwelling-houſe.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury, before Mr. Juſtice LAWRENCE.

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428. RICHARD JACKSON was indicted for feloniouſly ſtealing, on the 21ſt of June, a ham, value 3s. and a braſs mortar, value 10d. the property of Letitia Hobkirk.

LETITIA HOBKIRK *ſworn.*—I keep the George, at Enfield; I do not know any thing of the robbery, I was out at the time.

SARAH HOBKIRK *ſworn.*—I am the daughter of the laſt witneſs: On the 21ſt of June, the priſoner came to my mother's houſe as a private in the Fifeſhire Fencibles, with a billet, he ſtaid in the houſe about two hours, he called for a pint of beer, and went out while the beer was drawing; I heard a noiſe in the ſtreet, and he was brought back in about ten minutes to the gate by Mr. Young and Mr. Taylor, he was not brought into the houſe; the ham and mortar were brought back with him.

—— YOUNG *ſworn.*—Mr. Taylor and I were returning home to Enfield, and obſerved the priſoner getting over a hedge; I rode up to him, and aſked him what he was breaking the fences for; he ſaid he wanted to ſleep; I aſked him what he had got in his pocket; Mr. Taylor ſaid it was a ham; we jumped off our horſes, and took him by the collar; he then got out of the coat, it was a very large great goat, and he and Mr. Taylor had a ſtruggle; we took him juſt by the George; a conſtable came up, and we delivered him to the conſtable. *(The property produced).*

Sarah Hobkirk. After he was brought back, I ſearched the houſe, and miſſed the ham and a braſs mortar, the mortar was upon a ſhelf under the ham; I cannot ſay when I had ſeen the ham before, I did not take particular notice, it was a ham like this; the mortar I know to be my mother's.

The priſoner ſaid in his defence, that he was out of work, and had enliſted in the Fifeſhire Fencibles; that he was intoxicated and went down a lane to go to ſleep, where he found the property covered with dirt. GUILTY (Aged 33.)

Confined twelve months in the Houſe of Correction, publicly whipped, and diſcharged.

Tried by the firſt Middleſex Jury, before Mr. Juſtice LAWRENCE.

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429. SAMUEL SERLE was indicted for feloniouſly ſtealing, on the 31ſt of May, eighteen rabbits, value 12s. and a wicker baſket, value 1s. the property of William Power.

WILLIAM POWER *ſworn.*—I am a waggoner, I am anſwerable for any thing that is loſt from my waggon: As I was coming down Holborn, about a quarter after four in the morning of Thurſday the 3d of May, a gentleman told me I had loſt a baſket, I immediately miſſed the baſket; I turned my head and ſaw a man with the baſket, I laid down my whip, and aſked a man to ſtay with the team; I loſt ſight of the man by his turning a corner, he turned up Southampton-ſtreet, and flung the baſket down at the corner; I picked it up and gave it to a man, and purſued, and a watchman caught him in Southampton-ſtreet, I had given an alarm; I can ſwear to the baſket, but I cannot poſitively ſwear to the man, becauſe he was at a diſtance before I ſaw him.

Q. What ſort of light was it?—*A.* Quite day-light; we took the baſket in the waggon to Newgate-market, and there the rabbits were ſold, and the

the watchman has had the care of the baſket ever ſince.

THOMAS LYONS *ſworn.*—I am a watchman: After I had called four o'clock, turning out of Holborn into King's-gate-ſtreet, Bloomſbury, I heard an alarm; I ſaw the priſoner come out of Holborn with a baſket in his arms, I am ſure the priſoner is the man, then he pitched it down; two men ſtood in Holborn, one of them, with a handkerchief in his hand, called out and ſaid, it was all ſafe, and then he took up the baſket and put it on his ſhoulder; I ſprung my rattle, and followed him; he then pitched the baſket by Southampton-ſtreet, and he was ſtopped by another watchman, who is here; I took him to the watch-houſe, the waggoner went with us.

THOMAS BUNDY *ſworn.*—I am a watchman: A little after four in the morning of Thurſday the 31ſt of May, I heard the rattles ſpring, and a cry of ſtop thief; I looked down the ſtreet, and ſaw the priſoner with a baſket upon his ſhoulder, then I ſaw him throw it down, I kept my eye upon him; there was another man with the priſoner, and they were both running together; I took the priſoner by the collar, and took him to the watch-houſe; the waggoner ſaid it was his baſket, and that there were a dozen and a half of rabbits in it.

(Lyons produced the baſket, which was depoſed to by Power).

Priſoner's defence. It being holiday-time I had been at Wandſworth-fair, and being rather in liquor I ſtaid later than ordinary; I met a man in Holborn with a hamper upon his ſhoulder, I heard the cry of ſtop thief, the man threw down the hamper, and the watchman immediately laid hold of me, and ſaid I was the man; I did not make any reſiſtance.

Q. *(To Bundy.)* Are you perfectly ſure this is the man that had the baſket?—*A.* I am perfectly ſure he is the man.

The priſoner called five witneſſes, who gave him a good character. GUILTY (Aged 22.)

Confined twelve months in the Houſe of Correction, publicly whipped, and diſcharged.

Tried by the firſt Middleſex Jury, before Mr. RECORDER.

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430. MARY WILLIAMS was indicted for feloniouſly ſtealing, on the 30th of June, a linen ſheet, value 3s. the property of John Hillery.

ANN HILLERY *ſworn.*—I am the wife of John Hillery, No. 21, Monmouth-ſtreet: Laſt Saturday morning, the 30th of June, I ſaw the priſoner go out, down ſtairs, as I was coming out of my own room, I did not ſee what room ſhe came out of; I had known her before; I am ſure it was the priſoner; I went into my room, and miſſed the ſheet; about an hour afterwards, I ſaw the ſheet again, at Mr. Davis's, a pawnbroker, in Weſt-ſtreet, and I knew it again immediately; there is no mark upon it, but I can ſwear to my own work and the cloth.

(The pawnbroker's ſervant produced the property, which was depoſed to by the proſecutrix).

THOMAS MUMFORD *ſworn.*—I am an officer belonging to Bow-ſtreet; I took the priſoner into cuſtody about eleven o'clock laſt Saturday morning, in the pawnbroker's ſhop; I took her to Bow-ſtreet, and found fourteen duplicates in her pocket, but none belonging to the ſheet; I aſked her where that duplicate was, and ſhe ſaid, ſhe had loſt it.

Priſoner's defence. I was not at the pawnbroker's at all, I was not out till half paſt ſeven o'clock, and then I only went out for a bundle of wood.

GUILTY (Aged 20.)

Confined ſix months in the Houſe of Correction, and fined 1s.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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431. JAMES BAKER and CHARLES GODFREY were indicted for feloniouſly ſtealing, on the 19th of June, an iron ſpade with a wooden handle, value 1s. 6d. the property of John Hatt, an iron ſhovel, value 1s. 6d. the property of John Cain, an iron ſhovel, value 1s. 6d. the property of Daniel Sheen, an iron ſhovel, value 1s. 6d. the property of John Dawſon, and another iron ſhovel, value 1s. 6d. the property of Jeremiah M'Carty.

JOHN HATT *ſworn.*—We were at work in the gravel pits, at Stepney New-ſquare: On Tueſday, the 18th of June, our tools were removed into a back yard in Stepney New-ſquare; mine was a ſpade belonging to the Truſt of Whitechapel diviſion, but I was in care of it. They were put into Thomas Fenn's yard, who works in our pit.

Q. Were they locked up?—*A.* No, they were in the yard encloſed by a wall of about eight feet; there was no way into it but through the houſe; we miſſed our tools the next morning, about half paſt five. I ſaw my ſpade again at the watch-houſe.

JOHN CAIN *ſworn.*—I was at work in the gravel-pit; I loſt a ſhovel that I had put into a ſhed in Fenn's yard: On the 19th of June, in the morning, about half paſt five, I was going to work, and miſſed it; I ſaw it afterwards at the watch-houſe, at Bethnal-green.

DANIEL SHEEN *ſworn.*—I work in the gravel-pits; I delivered my tool up to John Cain; the next morning, I miſſed it; I afterwards found it at the watch-houſe.

Q. *(To Cain).* Did you put Sheen's ſpade into the ſhed?—*A.* Yes.

Q. Did

Q. Did you put Dawſon and M'Carty's there? —*A.* Yes, I did.

JOHN DAWSON *ſworn.*—I miſſed my ſpade on the 19th, in the morning, when I came to work; I ſaw it afterwards at the watch houſe.

JEREMIAH M'CARTY *ſworn.*—I miſſed my ſpade on the 19th, in the morning; I ſaw it afterwards at the watch-houſe.

ROWLAND CHARTER *ſworn.*—I am a patrol of Bethnal-green-road: I ſtopped the two priſoners about half paſt two in the morning of the 19th of June, nearly facing the George, about an hundred yards from Wilmot-ſquare; one had three ſhovels, and the other a ſhovel and a ſpade; I aſked them where they were going, and they ſaid, they were going a ſewering; I told them, they had tools enough for five or ſix men; and I took them to the watch-houſe.

(The property was produced, and depoſed to by the ſeveral proſecutors).

Godfrey's defence. As we were coming down Whitechapel-road, we picked them up, they were all tied up together.

Baker's defence. I ſaw them lying in the road tied up together, and we picked them up.

The priſoner, Baker, called five witneſſes, who gave him a good character.

Baker, GUILTY (Aged 32.)
Godfrey, GUILTY (Aged 29.)

Confined ſix months in the Houſe of Correction, and fined 1s.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice LAWRENCE.

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432. MARY MOLE was indicted for feloniouſly ſtealing, on the 2d of June, a ſilk cloak, value 12s. the property of Evan Morris.

ANN MORRIS *ſworn.*—I am the wife of Evan Morris; the priſoner lodged in the ſame houſe with me: I loſt my cloak from a drawer in my room; I miſſed it in the afternoon, I believe, of the 2d of June; I ſaw it the next day, at Queen-ſquare, in the hands of Mr. Gordon, a pawnbroker.

DAVID GORDON *ſworn.*—I am a pawnbroker: On Saturday, the 2d of June, a little after four, the priſoner brought me this cloak, and aſked twenty ſhillings; ſhe ſaid, her name was Elizabeth Young, that ſhe lodged at No. 41, Chandos-ſtreet; I pretended to make out the ticket, while I ſent one of my boys to ſee if it was true, and the boy brought word it was not; I told her, I ſuſpected it was not her own, and I would not part with it; then ſhe ſaid, ſhe lived in Strutton-ground, and afterwards, ſhe ſaid, ſhe lived at No. 22, Poland-ſtreet; that was where Mrs. Morris lived. *(Produces the cloak).*

Mrs. Morris. I live at No. 22, Poland-ſtreet. This is my cloak.

Priſoner's defence. The cloak was lent to me; I was in diſtreſs, and pledged it. I expected my huſband home in a few days, and I intended to replace it again.

GUILTY (Aged 20).

Confined ſix months in the Houſe of Correction, and fined 1s.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice LAWRENCE.

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433. ELIZABETH SMITH was indicted for feloniouſly ſtealing, on the 8th of June, two guineas and three ſhillings, in monies numbered, the property of King George.

KING GEORGE *ſworn.*—I was very much in liquor, I went home with the priſoner, I went to bed with her, and when I awaked in the morning, I ſaw her with her hand in my breeches pocket; there was a knife lying upon the table, and ſhe took that up, and ſaid, ſhe would run it into me.

Priſoner's defence. I ſaw none of his money, except half-a-crown that he gave me to ſleep with me.

Q. How much money had you?—*A.* Two guineas and three ſhillings, beſides the half-crown that I gave her.

GUILTY (Aged 27.)

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice LAWRENCE.

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434. JOHN CONNOR was indicted for feloniouſly ſtealing, on the 6th of June, a quart pewter pot, value 6d. the property of Joſeph Simpſon.

The proſecutor and witneſſes were called, but not appearing, their recognizance was ordered to be eſtreated.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice BULLER.

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435. EDWARD MURRAY was indicted for feloniouſly ſtealing, on the 13th of June, two dimity petticoats, value 5s. a linen ſhift, value 5s. a calico ſheet, value 5s. a linen ſheet, value 5s. and a flannel petticoat, value 2s. the property of Mary Spencer.

The proſecutrix and witneſſes were called, but not appearing, their recognizances were ordered to be eſtreated.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice BULLER.

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436. PHILIP PAGE was indicted for feloniouſly ſtealing, on the 19th of June, two pieces of woollen cloth, in length 20 yards, value 6l. the property of Benjamin Chandler, in his dwelling-houſe.

BENJAMIN

BENJAMIN CHANDLER *ſworn.*—I am a woollen-draper in St. Paul's Church-yard; I know nothing of the loſs.

Q. Is your ſhop a part of your houſe?—*A.* Yes.

THOMAS MASON *ſworn.*—I am an articled ſervant to Mr. Chandler: On the 19th of June, I loſt two pieces of cloth out of the ſhop, containing about twenty yards, worth ſix pounds; I ſaw the priſoner go out of the ſhop with it, I ran after him, he turned up Black-ſwan-alley; I ſaw him throw down the goods, I picked them up, and called out, ſtop thief; I returned to the ſhop, and in about five minutes the priſoner was brought back, I am ſure he is the man; I followed him along the Church-yard, within ten yards of him, I did not ſee his face that I could notice him, I knew him by his coat, and by his ſize.

EDWARD STRATTON *ſworn.*—I heard the cry of ſtop thief in Carter-lane, Black-ſwan-alley comes into Carter-lane; the priſoner was the firſt perſon that came up, and I ſtopped him; he ſaid he had done nothing, and I aſked him what he ran away for; then I took him by direction to Mr. Simpſon's, in St. Paul's Church-yard, and there the laſt witneſs owned him.

ROBERT BUNYARD *ſworn.*—I am a conſtable; I was ſent for to take charge of the priſoner, I did not ſee him till he was brought back again, *(produces the property)*; I have taken care of it ever ſince.

Maſon. Theſe are Mr. Chandler's goods, they were in the ſhop before I ſaw the priſoner run out.

Priſoner's defence. I am innocent of the crime laid to my charge.

GUILTY of ſtealing to the value of 39s. (Aged 22.)

Tranſported for ſeven years.

Tried by the London Jury, before Mr. Juſtice BULLER.

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437. MARY BOWMANA was indicted for feloniouſly ſtealing, on the 16th of June, a wooden tub, value 3s. 6d. the property of Samuel Walford.

SUSANNAH WALFORD *ſworn.*—I am the wife of Samuel Walford; I loſt a waſhing-tub out of the yard in the night of the 16th of June; I live in Green-arbour-court, Little Moorfields; I ſaw it on the Monday afterwards, in Shoreditch watch-houſe, I know nothing about the priſoner.

WALTER JENKINS *ſworn.*—I am a watchman; between two and three o'clock laſt Saturday was a fortnight, the 16th, in the morning, the priſoner paſſed my box; I aſked her what ſhe had got there, ſhe ſaid, waſhing-tubs; ſhe ſaid, ſhe had brought them from Monkwell-ſtreet, and was going to take them to one Mrs. Hart, a dealer, in Spitalfields-market; I told her to go along, and ſhe turned down Horſhoe-alley, and I went after her; I told her, that was not her way to Spitalfields-market, and then I ſuſpected her, and took her to the watch-houſe. *(Produces the tub.)*

Mrs. Walford. I had this tub made for me, and the cooper put me on a hoop that came only half-way down, I wanted an iron hoop, but he refuſed to put one on.

Priſoner's defence. Mrs. Hart gave them to me, ſhe was very much intoxicated, and I told her, I would take them home for her the next morning; I know nothing of where they came from, any more than the child unborn.

GUILTY (Aged 51.)

Whipped in the goal, and diſcharged.

Tried by the London Jury, before Mr. Juſtice LAWRENCE.

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438. WILLIAM ORTMANDEBERG was indicted for feloniouſly ſtealing, on the 30th of June, ſixty-four pounds weight of veal, value 30s. the property of Alexander Gordon.

ALEXANDER GORDON *ſworn.*—I am a ſaleſman, in Newgate-market: I loſt two quarters of veal laſt Saturday out of my ſhop, in the market, between ſeven and eight in the morning; in conſequence of ſome information that I had received, my man found the veal in his ſhop, at Weſtminſter.

JAMES PAGE *ſworn.*—I am ſervant to Mr. Gordon; I was in the ſhop when the veal was ſtolen, between ſeven and eight o'clock in the morning; I was ordered to ſearch the priſoner's cart, which I was informed was in Paternoſter-row; I was going down the paved alley that leads into Paternoſter-row, and met the priſoner; he ſaid, do you want me? or words to that effect; I ſaid, yes, for he had got a wrong ſide of veal in his cart; ſometimes the porters take a wrong ſide of veal; oh, ſays he, I bought a ſide of veal and paid for it, I will go and ſettle with your maſter about that; I went back, he went to my maſter, and ſaid, Mr. Gordon, I bought a ſide of veal of you, and paid for it; yes, ſays he, you did, and he looked into the book, and ſaid it was right; ſome ſuſpicions being entertained afterwards, I was ſent to Weſtminſter, and I got there, I believe, about a quarter after eleven, or thereabouts; I went into the ſhop, and the lad was cutting the meat in the ſhop; I aſked if his maſter was at home, he ſaid, no; I looked round the ſhop, and diſcovered a hind-quarter of veal, I knew it to be Mr. Gordon's veal, by the quality, and the likeneſs to the fellow that was left behind, I had moved it backwards and forwards ſeveral times in the courſe of the morning; I thought I had no right to take it without an officer; I ſent for an officer, and told him, I could ſwear to it; it was taken back to Newgate-market, the priſoner was taken up for another offence.

JAMES

JAMES NEWTON *ſworn.*—I am ſervant to Mr. Gordon: Laſt Saturday morning, Mr. Phillips bought a calf of my maſter, and it was hung up to be weighed inſide the door; the priſoner had juſt before bought a ſide of veal and paid for it, and took it away; Mr. Phillips came juſt after, and when we came to weigh it, there was a ſide of Mr. Phillips's calf gone; when we brought it from Weſtminſter, we took it to Guildhall, and it was identified there, it was ſo cut up, that there was more bone on one ſide than the other, I am ſure it is the ſame.

BENJAMIN PHILLIPS *ſworn.*—I bought a calf of Mr. Gordon, about a quarter paſt ſeven o'clock; I went home to fetch the money to pay for it, when I came back, a ſide was miſſing; I had the other two quarters weighed, and paid for them, and took them home; ſometime after, they told me, a quarter was taken to Guildhall, and I muſt go to identify it; I went, and found it was the ſame that had been loſt in the morning; I am pretty ſure it was a part of my calf, it was cut croſs-quartered, and was a remarkably fat cow calf.

CHARLES WHATMORE *ſworn.*—I had charge of the priſoner and the meat, I took it to Guildhall.

Mr. Gordon. The veal that was at Guildhall was the veal that I had loſt.

Croſs-examined by Mr. Watſon. *Q.* You ſay, you knew it by the quality, had you no other veal of the ſame quality?—*A.* Yes; I had ſome that was better.

Q. Did you know the weight of it?—*A.* Yes, when I looked in the book.

Q. Had you handled it?—*A.* Yes, before I ſold it.

Q. Did you know the weight of it then?—*A.* No, I did not.

Q. Nor you did not butcher it?—*A.* No.

Q. And you had other calves perhaps butchered in the ſame way?—*A.* Yes.

Court. (To Newton.) *Q.* When was it that you weighed it?—*A.* About nine o'clock.

Q. Was that before any part was miſſing?—*A.* No, afterwards.

Q. How do you know the weight of that that was ſtolen?—*A.* The two quarters that were left, weighed eight ſtone and one pound, and what was brought back, weighed four ſtone.

Priſoner's defence. I went to buy a ſide of veal of Mr. Gordon; Mr. Gordon has had twenty ſheep in a week to ſell for me by commiſſion; I bought this ſide of veal of Mr. Gordon, and told him, he muſt give me credit for it till Monday.

Court. (To Gordon.) *Q.* Did you ſell him more than one ſide?—*A.* No, he cheapened but one.

Mr. Watſon. *Q.* Which ſide of the calf was it he bought of you?—*A.* I cannot take upon me to ſay.

Q. And yet you can take upon you to ſwear, that that was the identical veal?—*A.* Yes.

For the Priſoner.

HENRY HORSFALL *ſworn.*—I have known the priſoner four years: Laſt Saturday morning, I happened to be in Newgate-market, and the priſoner and I had a pint of ale together, at the Bell; I obſerved him talking to a gentleman in the ſhop, and ſaw him buy ſome veal, and pay ſome money.

Q. Were there two lots of veal or one?—*A.* I believe there were two.

Q. Was it Mr. Gordon?—*A.* I don't know who it was.

Court. *Q.* Your buſineſs did not lead you to look at what was going on?—*A.* No.

Q. Nor you don't know any thing about the weight?—*A.* No.

GUILTY (Aged 35.)

Tranſported for ſeven years.

Tried by the London Jury, before Mr. Juſtice BULLER.

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439. JOHN INNES, RICHARD PALMER, and JOSEPH WITH, were indicted, the two firſt for feloniouſly ſtealing, on the 20th of May, eighty buſhels of wheat meal, value 20l. fifty buſhels of flour, value 20l. nine hempen ſacks, value 20s. and a ſack cart, value 20s. the property of Charles Hammerton, Eſq. and the other for receiving the ſame goods knowing them to be ſtolen.

(The caſe was opened by Mr. Knapp.)

JOHN-SHEPHERD KILLICK *ſworn.*—I am ſon-in-law to Mr. Alderman Hammerton, who is proprietor of the Lea-bridge corn-mills.

Q. You conduct his concerns on his behalf?—*A.* Yes.

Q. Has he any partner?—*A.* No, he has not; In conſequence of ſome information I apprehended the priſoners; I did not know the name of Innes till that day, but he was perpetually with Palmer the publican, who lives cloſe to the mills on the other ſide of the river; I went to Palmer's to enquire for Innes, and Palmer denied his being in the houſe; I told him I was certain he was; and then he directed me to go to the room, which I did, this might be about half paſt three on Thurſday morning the 24th of May, there is a foot-bridge which goes from this houſe to Mr. Hammerton's premiſes; I went into the room, and there was Innes lying upon the bed, with his boots on all over flour, his coat was off, and laid upon him, his other clothes he had on; I apprehended both Palmer and Innes; I apprehended With about one o'clock on the ſame day, at his houſe at Paddington, he keeps a corn-chandler's ſhop. The conſtable produced the warrant to ſearch the premiſes; I told him we were come to ſee if he was in poſſeſſion of any property belonging to Mr. Hammerton of

Hackney-

Hackney-mills; he ſaid, we might go over the premiſes, and in his warehouſe was a ſack-cart, and ſome ſacks that I am pretty clear came from the mill; the ſack-cart was marked *C. Hammerton* four times over, I am in poſſeſſion of the iron that marked them; there are marks upon the ſacks which our man will prove; he ſaid he had bought the ſacks at a broker's, about fifteen or eighteen months before; afterwards he denied it, and ſaid he had bought them at a ſale but could not tell what ſale.

Q. Do you know how long this cart had been made?—*A.* Not above ten months, there is the maker's name upon the cart; he afterwards ſaid he had bought it of a man who had bought it at a ſale.

Q. Had you any converſation with Palmer afterwards?—*A.* Yes, at the public-houſe adjoining the office in Worſhip-ſtreet; he ſaid, he wiſhed to ſpeak to me, he wiſhed to turn evidence, and he would diſcloſe ſuch a ſcene that I ſhould be aſtoniſhed at; I told him I thought I knew enough already; he ſaid, I did not know one twentieth part reſpecting the mills, and other concerns too.

Croſs-examined by Mr. Knowlys. *Q.* What did Palmer do reſpecting Innes?—*A.* He ſaid he did not ſleep there; and then afterwards, when I inſiſted upon ſearching the houſe, he told me where he was.

Q. You went afterwards to Mr. With's who keeps a corn-chandler's ſhop?—*A.* Yes; and a baker's ſhop ſomewhere elſe.

Q. When you told him the buſineſs upon which you came, he was very willing you ſhould ſearch?—*A.* He ſaid we might ſee the premiſes.

Q. And he went with you and the officer?—*A.* Yes; and two other men, Moſes Speckernell and Abſalom Phillips; and in the warehouſe we found a bolting-mill, which I do not think any corn-chandler would have, but there it was; there was every apparatus for dreſſing flour, as complete as Mr. Hammerton could have them at his mills.

Court. *Q.* Do not bakers uſe a bolting-mill?—*A.* No, not in town; they may in the country.

Court. *Q.* Is it the buſineſs of a corn-chandler to ſell flour?—*A.* Yes.

Court. *Q.* Without any apparatus to grind it?—*A.* None.

Court. *Q.* Do perſons in the mills dreſs it?——*A.* The uſual courſe of the trade is, for the miller to dreſs it.

Court. *Q.* There were no apparatus for grinding?—*A.* No.

JAMES GRIFFITHS *ſworn.—Examined by Mr. Knapp.* I am a conſtable: I was called upon to apprehend Mr. With at his own houſe, at Paddington; I found a ſack-cart, and nine ſacks.

Q. Had you any converſation with him?—*A.* Nothing particular.

Q. Had you any converſation with Palmer?—*A.* Yes, at a public-houſe joining Worſhip-ſtreet-office, the ſame morning he was taken; he aſked me if I would ſpeak to Mr. Skillick and Mr. Hammerton, and know if he could be admitted, that he would inform them of many things that would ſurpriſe them.

Mr. Knowlys. *Q.* Mr. With ſhewed you about his premiſes without the leaſt objection?—*A.* Yes.

JOSEPH ROBJANT *(an accomplice) ſworn.—Examined by Mr. Knapp.* I was employed by Mr. Hammerton, as miller; the priſoner Innes had been a miller, and a helper in our mills; Palmer is a publican at Lea-bridge; Mr. With is a corn-chandler, I have known him ſix or ſeven months; I have known Palmer three or four years, he lived in the houſe of Mr. Hammerton: On the 24th of May, there were five ſacks of meal went away from our mills, there were John Innes and Richard Palmer, and John Limerick, a man that drove the cart, I believe it was his own cart, I was at work that night and delivered it.

Q. Whoſe meal was it?—*A.* I cannot ſay; ſome one perſon's, and ſome another.

Q. But all out of Mr. Hammerton's mill?—*A.* Yes; they all three carried it over to Richard Palmer's; I do not know what became of it after that, I was not out of the mill.

Q. Do you know of any tranſaction happening on the 20th?—*A.* No particular day, I cannot ſay.

Q. In the month of May, and previous to the 24th, can you tell us of any meal being delivered by you, and who to?—*A.* I cannot ſay, it might be two or three weeks before the 24th.

Q. To whom did you deliver any thing before that time?—*A.* Two or three ſacks of meal to Richard Palmer and John Limerick; John Innes was preſent.

Q. Who took thoſe out of the mill?—*A.* Limerick.

Q. What then became of Palmer and Innes at that time?—*A.* They were at Palmer's.

Q. Did you ſee Palmer and the other over the water?—*A.* Yes; then they all aſſiſted in putting it into the cart, and went away with it.

Q. Do you know any thing of With?—*A.* I ſaw him at Palmer's ſix or ſeven weeks before.

Q. Do you remember any money being paid for any meal by With?—*A.* Not at that time; but afterwards he ſent the money by Limerick.

Q. How happened it that you knew With?—*A.* Limerick introduced him to me at Richard Palmer's.

Q. Was Palmer by at the time of any converſation that paſſed?—*A.* Yes; With ſaid, if we could get any meal or flour for him, that was in

the

the mill, he would give twelve ſhillings a ſack for meal, and we agreed upon that.

Q. Afterwards you delivered theſe things; where they went you do not know, but Limerick brought you the money?—*A.* Yes.

Q. Had you any other converſation with With at any other time?—*A.* Yes; he was there twice after that.

Q. Had you any converſation at thoſe times?—*A.* No; nothing more than to get any thing what we could for him.

Q. Do you know the cart that uſed to come for the meal and flour?—*A.* Yes, but I do not recollect the name of it, it went by the name of Limerick's cart; the ſacks were ſome marked one way and ſome another, they came out of Mr. Hammerton's mills.

Q. Mr. Hammerton has a contract for Government, and ſome of the ſacks had the Government marks?—*A.* Yes.

Q. Have you ſeen the ſack-cart?—*A.* Yes, at the office.

Croſs-examined by Mr. Knowlys. Q. Then the ſacks that went away from Mr. Hammerton's mills were differently marked?—*A.* Yes.

Q. I ſuppoſe Mr. Hammerton has frequently in his poſſeſſion ſacks that have the marks of other people?—*A.* Yes, of people that grind there.

Q. How long have you been ſervant to Mr. Hammerton?—*A.* Three years.

Q. How long have you been robbing him?—*A.* Nine or ten months.

Q. More than that—recollect yourſelf—have you not ſaid you have been robbing him much longer than that?—*A.* No, that was the time; it may be a week more or leſs, I cannot ſay for a week.

Q. You robbed him very largely in that time, I dare ſay?—*A.* Sometimes more, ſometimes leſs.

Q. He was a good maſter to you?—*A.* Yes.

Q. And that was the return you made him for his goodneſs, to rob him?—*A.* Yes.

Q. When did you happen to tell of all this buſineſs?—*A.* When I was taken up.

Q. Probably you thought you ſhould be hanged if you did not tell of it?—*A.* No.

Q. Did not you think you deſerved to be hanged for it?—*A.* I thought it would come to no good end.

Q. That is, you thought the end would be the rope, and the gallows?—*A.* I cannot ſay that.

Q. Then you impeached other people to ſave yourſelf being hanged?—*A.* Yes, the queſtion was aſked me.

Q. You were admitted what we call King's evidence, and then you told this to ſave yourſelf from being hanged?—*A.* Yes.

Q. Cannot you recollect what day of the month this was?—*A.* I cannot ſay what day, or what month, I cannot recollect that at all.

Q. What was taken away three or four weeks before the 24th of May?—*A.* Three or four ſacks of meal, and a ſack of flour.

Q. How did you keep your account, in your head?—*A.* Yes; I made no memorandum.

Q. Are you ſure there were no ſacks marked by Mr. Hammerton that went away at that time?—*A.* No; I am not ſure of that.

Q. How many ſacks went away?—*A.* One ſack of flour, and three or four of meal.

Q. Will you ſwear that any one of them had Mr. Hammerton's mark upon them?—*A.* No, I cannot.

Q. Who was it took the ſacks out of the mill at that time?—*A.* About one or two o'clock in the morning, before it was light.

Q. Who took them away?—*A.* Limerick.

Q. Innes and Palmer were not in the mill at that time?—*A.* No, they were over the water; I went over and ſaw them.

Q. How far off the mill?—*A.* About two hundred yards.

Court. Q. Was there any ſack-cart at all taken out of your maſter's mill?—*A.* Yes; about four months ago, I believe, more or leſs, and three or four ſacks of meal at the ſame time; they went to With's. *(The ſacks produced).*

MOSES SPECKERNELL *ſworn.—Examined by Mr. Knapp.* I am employed by Mr. Hammerton: One of theſe ſacks belongs to John Thiſtlewood, it was in the mill; this ſack belongs to Joſeph Bell, baker, in Watling-ſtreet, he employed Mr. Hammerton's mills alſo; this ſack belongs to Mr. Chriſtopher Lance, a flour-factor; here is a ſack marked *A. Ayliffe, Reading*, belonging to Mr. Joſeph Bell, and another with the ſame mark; there are four with that mark.

Griffiths. I found all theſe ſacks at With's.

Q. *(To Speckernell.)* Did you ever ſee any cart belonging to With come to the mill?—*A.* Never but once; a cart of With's came to Palmer's; I ſaw the cart afterwards, in the cuſtody of Griffiths, that was the ſame cart I ſaw in Palmer's premiſes, the name upon it is *John Tilyard, Hendon, Middleſex.*

Q. At the time you ſaw the cart upon Palmer's premiſes was there any name upon it?—*A.* No; but I believe it to be the ſame cart; it is not like a town cart, it is a country cart.

Croſs-examined by Mr. Knowlys. Q. The only reaſon for your knowing that cart to be the ſame is, that it is a country cart?—*A.* No; the man that was in the cart gave me great reaſon to believe ſo, his name is Limerick, I ſaw him in the cart about half a mile from the mill at Clapton.

Q. Theſe

Q. Theſe ſacks have the names of perſons who have occaſionally ground corn at Mr. Hammerton's mills?—*A.* Yes.

Q. When they ſell a ſack of flour they ſend it out in the ſack, do they not?—*A.* Yes.

Mr. Knapp. (To Griffiths.) Q. Where did you find theſe ſacks now produced?—*A.* In Mr. With's granary; I have had them ever ſince.

Mr. Knowlys. Q. How many more ſacks did you find that you did not take away?—*A.* A good many, I cannot ſay how many.

ABSALOM PHILLIPS *ſworn.*—I am employed by Mr. Hammerton: I have ſeen ſacks with the ſame marks in Mr. Hammerton's mill.

Q. Have you ſeen the cart that was in Griffith's poſſeſſion?—*A.* No; I have ſeen it upon the road, but not to take particular notice of it; I have ſeen Limerick with it, but did not know his name at that time,

Croſs-examined by Mr. Knowlys. Q. This gentleman is a large dealer in flour and corn, and ſends ſacks about the town?—*A.* Yes.

Q. Therefore you cannot ſwear to theſe particular ſacks?—*A.* No.

Mr. Killick. I have ſeen the cart ſince, and I am confident it is the ſame cart that I have ſeen at the ſide of Palmer's houſe; the name upon that was John Tilyard, Hendon, Middleſex.

Griffiths. I found the cart between Dalſton and Hackney, there was a man driving it, but who he was I do not know, with five ſacks of meal in it.

Innes left his defence to his Counſel.

Palmer's defence. I know nothing at all of it, I am wholly innocent of the matter.

With's defence. I know nothing about it; Robjant has ſworn this to ſave himſelf.

The priſoner Palmer called ten, and With eleven witneſſes, who gave them a good character.

Innes, GUILTY (Aged 37.)
Palmer, GUILTY (Aged 38.)
Tranſported for ſeven years.
With, GUILTY (Aged 31.)
Tranſported for fourteen years.

Tried by the firſt Middleſex Jury, before Mr. Juſtice LAWRENCE.

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440. SUSAN, otherwiſe SARAH SKELTON, and WILLIAM SKELTON were indicted for feloniouſly ſtealing, on the 28th of June, ten ſilk handkerchiefs, value 15s. the property of Henry Wright, privily in his ſhop.

HENRY WRIGHT *ſworn.*—I am a linen-draper, I live in the Minories, in the pariſh of St. Botolph, Aldgate; I was not in the ſhop at the time of the robbery, John Scarr was.

JOHN SCARR *ſworn.*—I am ſhopman to Mr. Wright; on the 28th of June laſt, between four and five in the afternoon, the priſoner at the bar, in company with the child at the bar, came into our ſhop, ſhe wiſhed to look at ſome ſhawls; I ſhewed her ſome, the boy was ſtanding by the oppoſite counter, the boy went out before her; ſhe went away, and ſaid, none of them would ſuit her, ſhe went out immediately after the boy; I came to the other counter to take the ſilk handkerchiefs I had left there, to mark them, I miſſed them, I ſuſpected the boy had taken them, I followed them, and on Tower-hill I overtook them, ſhe had a gown with her; I told the boy he had got ſomething that did not belong to him, and ſhe ſaid he had, ſhe had juſt found it out, and was coming to bring them back; ſhe ſaid, he had juſt told her ſo; ſhe was then ſtanding ſtill, as I was coming up the Minories; I took the gown from her, I thought the handkerchiefs might be there; I looked in the handkerchief, and ſaw that the black handkerchiefs that we had loſt were not there; I then called the boy to me, and aſked him what he had done with them, and while I was ſearching him for them, ſhe produced them, I cannot tell where ſhe took them from; I brought her back to my maſter's ſhop, there were ten handkerchiefs, they coſt two ſhillings and four-pence a-piece.

Croſs-examined by Mr. Trebeck. Q. How long were theſe two perſons in the ſhop?—*A.* Not long.

Q. The mother never left the place where ſhe had been ſtanding?—*A.* No.

Q. Her back was turned upon him?—*A.* Yes.

Q. The handkerchiefs were upon the oppoſite counter?—*A.* Yes.

Q. She was not looking towards him at all, or appeared to ſee what he was about?—*A.* No.

Court. Q. Are you ſure they are your maſter's property?—*A.* Yes.

GEORGE WADE *ſworn.*—I was ſent for to apprehend the priſoner, that is all I know of it.

The priſoners did not ſay any thing in their defence.

Suſan Skelton, NOT GUILTY.
William Skelton, GUILTY Death.

The priſoner was recommended to mercy by the Jury, on account of his youth.

Tried by the London Jury, before Mr. Juſtice BULLER.

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441. SUSAN, otherwiſe SARAH SKELTON, and WILLIAM SKELTON were again indicted for feloniouſly ſtealing, on the 28th of June, ſix yards of printed cotton, value 1l. the property of John Fawcitt, privily in his ſhop.

JOHN FAWCITT *ſworn.*—I am a linen-draper in the Minories, I was not in the ſhop at the time.

JAMES MEACOCK *ſworn.*—I am ſervant to Mr. Fawcitt: On Thurſday laſt, the priſoner, in company

pany with the boy, came to the ſhop, looking at ſome muſlins hanging at the door, about four o'clock in the afternoon; our young man, Bengough, aſked her to come in and look at ſome others; he took her down to the further end of the ſhop, and ſhewed her ſome others, the boy went down to the bottom of the ſhop likewiſe; there was one piece of muſlin that ſhe ſeemed to like, and Bengough brought it forward, expecting ſhe would pay for it; I obſerved the boy ſtopping about the middle of the ſhop, ſhe obſerved me looking at him, and called to him to know what he was doing there, and he immediately pulled off his hat, and came and ſtood by the ſide of her; ſhe then ſaid, ſhe was going further for two ſhirts, and would call for ſome of the muſlin the next morning, and they both went out of the ſhop together; about five minutes after, we miſſed a piece of printed cotton, I ſaw it again the next morning at the Manſion-houſe.

JOHN BENGOUGH *ſworn*.—On Thurſday laſt, about four o'clock, the two priſoners at the bar came to the door, and looked at ſome muſlins hanging near the door, ſhe objected to them, and I aſked her to come in and look at ſome others; I ſhewed her ſome, and ſhe looked at one, while the boy was looking at another; I brought it forward, and the boy ſtaid behind; I then obſerved him reaching over the counter, where I had left the printed cotton, with his hands ſtretched over, but I had no ſuſpicion of him at all, on account of his youth; ſhe looked at the muſlin, and ſeemed very well ſatisfied with it, ſhe ſaid, ſhe was going further for ſome ſhirts, and would call again for it; immediately after ſhe was gone out, I went down to the bottom of the ſhop, and miſſed this piece of print; I told my fellow ſhopman of it, and ſaid, I was poſitive it was there juſt before ſhe came in; I have never ſeen the print ſince.

Croſs-examined by Mr. Trebeck. Q. You ſaw the woman and the child the whole of the time?—*A.* Yes.

Q. She was bargaining fairly with you?—*A.* She did not bargain for any thing.

Q. If you had any ſuſpicion, it muſt have fell upon the boy?—*A.* I had no ſuſpicion of either of them.

Q. You had your eye pretty much upon him all the time he was there?—*A.* Yes.

Q. If he took it, then it muſt be at the time you ſaw him with his hand ſtretched over the counter?—*A.* No, he could not poſſibly do it at that time; after that, he went into the inner ſhop, and came back again.

Q. She could not have done it?—*A.* I ſhould imagine not.

Q. Did not you ſay in the ſhop, that you were ſure the boy had taken it?—*A.* I ſaid, I thought the boy had taken it.

JOHN SCARR *ſworn*.—When I brought the priſoner back from Tower-hill, ſhe had this piece of cotton in a handkerchief in her hand, with which ſhe was endeavouring to cover the print; I ſaw the print clearly, I took her to my maſter's, and the cotton was delivered to the conſtable, George Wade.

GEORGE WADE *ſworn*.—I am a conſtable: This is the print I received from the laſt witneſs. *(Produces it).*

Bengough. (Matches it with a piece which he took from his pocket). This is the piece that was on the counter when the priſoners came into the ſhop.

Q. What is the value of it?—*A.* It coſt twenty ſhillings and upwards.

Croſs-examined by Mr. Trebeck. Q. Is that the whole piece?—*A.* No; I had ſold three gowns, fifteen yards of it; the piece was twenty-one yards, and this is ſix yards.

Q. This may be one of the three gowns that you ſold, for any thing you know?—*A.* No, that is impoſſible; the fag end matches exactly with the end that is cut; I took it down five minutes before they came in.

The priſoners did not ſay any thing in their defence.

Suſan Skelton, GUILTY Death. (Aged 27.)
William Skelton, GUILTY Death. (Aged 10.)

The Court immediately pronounced ſentence upon Williams Skelton.

Tried by the London Jury, before Mr. Juſtice LAWRENCE.

Note. There were 150 duplicates found in the poſſeſſion of the mother, 66 of which were with one pawnbroker.

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442. GEORGE SINGURES and SAMUEL BAMBER were indicted for feloniouſly ſtealing, on the 13th of June, a ſilver coffee-pot, value 6l. a ſilver milk pail, value 14s. and a ſilver ladle, value 1s. 6d. the property of William Marchant, in his dwelling-houſe.

WILLIAM MARCHANT *ſworn*.—I am a ſilverſmith, No. 225, Holborn: I can only prove the property; it ſtood in a glaſs preſs in the window, in the ſhop; I had ſeen it on the 13th of June, in the morning, about an hour before it was loſt; I went out about eleven o'clock, I returned home juſt at the time that this happened, between twelve and one o'clock, I met my ſon taking the priſoner to Bow-ſtreet.

JANE MARCHANT *ſworn*.—I am the wife of the laſt witneſs: I was at home at the time this happened; I was in the parlour at work; I heard ſomething fall in the ſhop, the child that was at work with me ſaid, mamma, there is a man run out of the

the ſhop; I immediately went into the ſhop, ſaw the preſs open, and miſſed a coffee-pot; I went into the ſtreet, and called out, ſtop thief; the men were purſued, taken, and brought back; I ſaw them both go out of the ſhop.

MATTHEW LOWE *ſworn.*—I was nearly oppoſite Mr. Marchant's houſe, at the corner of Dean-ſtreet; I heard a cry of ſtop thief, I turned round and ſaw the two priſoners come running up the ſtreet; I ſtood till they came oppoſite to me, and ſaw Bamber with the coffee-pot under his coat, ſome part of it, I believe, was covered with his coat; Bamber is the talleſt of the two, I ran after him, and he flung it in at a cellar window in Eagle-ſtreet; I ran after him a few yards further, and laid hold of him, I held him till more aſſiſtance came up, and we took him to Mr. Marchant's houſe; I ſaw the other priſoner run paſt me, but I ſaw nothing more of him till he was brought back to Mr. Marchant's. The coffee-pot was brought to Mr. Marchant's houſe by a gentleman that had hold of Bamber at the ſame time that I had.

WILLIAM BOOTH *ſworn.*—I was within a few doors of Mr. Marchant's houſe, when I heard a cry of ſtop thief; I ſaw Bamber run acroſs the way from Mr. Marchant's ſhop, he ran up Dean-ſtreet to the top of it, he turned round the corner, and threw this coffee-pot into a cellar, it was a public-houſe, the ſign of the Crown; I immediately laid hold of him; I then went to the landlord, and he went down, and brought it out of the cellar.

JAMES DALEY *ſworn.*—I was at dinner at my maſter's, in Dean-ſtreet, on the 13th of June; I heard a cry of ſtop thief, I ſaw the talleſt priſoner running, and I ran after him; I ſaw the other priſoner run down Eagle-ſtreet, but I had not a proper ſight of him; I purſued him down King's-gate-ſtreet acroſs Holborn, towards Queen-ſtreet, then he went a little way down Queen-ſtreet, I loſt ſight of him then, but in about a minute or two, he came back into Holborn again, and went up towards St. Giles's; and then I called ſtop thief again, and ran after him; he was rather winded, and then he was taken.

RICE EVANS *ſworn.*—I am a patrol of St. James's; I ſaw the priſoner, Singures, croſs the way as faſt as he could run, he was quite wearied out with running; he took out this milk-pail and ſpoon from his coat, and threw it into a baker's ſhop, three doors from Queen-ſtreet; I went into the baker's ſhop, and picked it up juſt by the parlour door, and I gave it to the miſtreſs of the baker's ſhop.

Q. (To Marchant). How did you get poſſeſſion of that milk-pail again?—*A.* A Mr. Hewlett, an oppoſite neighbour, fetched them from the baker's.

Evans. I went with Mr. Hewlett to ſhew him the houſe; I ſaw him come out with it in his hand, but there was ſuch a mob round the door, I could hardly get near it.

Q. Can you ſay poſitively that that is the milk-pail that the priſoner threw into the baker's ſhop?—*A.* Yes, I am certain ſure of it.

Q. (To Marchant.) What is the value of that coffee-pot as ſilver?—*A.* Above ſix pounds; the milk pail is worth fourteen ſhillings, and the ſpoon is worth one ſhilling and ſixpence.

Q. (To Lowe). You ſaw two perſons running up Dean-ſtreet, are you certain they were the two priſoners at the bar?—*A.* Yes.

Singures's defence. Going up Holborn, I heard a cry of ſtop thief, I ſaw a mob, I turned my head, and this man laid hold of me immediately, and took me back to Mr. Marchant's.

Bamber's defence. I heard a cry of ſtop thief, I ran, and they laid hold of me.

Q. (To Marchant). Is this ſhop part of your dwelling-houſe?—*A.* Yes.

The priſoner, Bamber, called two witneſſes, who depoſed that he always paid them very honeſtly.

Singures, GUILTY Death. (Aged 20.)
Bamber, GUILTY Death. (Aged 18.)

Tried by the ſecond Middleſex Jury, before Mr. Juſtice LAWRENCE.

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443. PATRICK DASEY was indicted for feloniouſly ſtealing, on the 5th of July, five pounds weight of indigo, value 1l. the property of Edward Hanſon, John Pearſon, Thomas Stiles, William Pearſon, and Daniel Goſſett.

WILLIAM STACEY *ſworn.*—*(Produces a parcel of indigo).* I got this out of my maſters' warehouſe, Meſſrs Edward Hanſon, John Pearſon, Thomas Stiles, William Pearſon, and Daniel Goſſett, they are partners; I ſaw the priſoner take it out of the warehouſe this morning; I immediately went out after him, and in going out, I met Mr. Goſſett, and told him, that was the man that had taken the indigo; Mr. Goſſett immediately went after him and took him; the priſoner had got the indigo in his hat and breeches; he was brought back to the counting-houſe, and ſearched, and the indigo taken out of his hat and breeches.

DANIEL GOSSETT *ſworn.*—When I returned from 'Change yeſterday afternoon, my partner informed me he had found ſome indigo among ſome bags of cotton; I told him, I ſuſpected Daſey; I ſecreted the boy where he might watch, and about a quarter before eight the priſoner went in; when he came out again I ſaw the boy, and he told me he had taken the indigo; I followed him into Thames-ſtreet, and brought him back; I ſent for a conſtable, who ſearched him, and I ſaw him take part of the indigo out of the crown of his hat, and

ſome

ſome more out of his ſmall clothes; there was a pound and a half taken from him, and three pounds and a half left ſecreted, ready to take away, as opportunity might offer.

Priſoner's defence. I was at work there as a cooper; I came down for ſome headings, and I found this indigo; I meant to give it to ſome of the men.

GUILTY (Aged 35).

Tranſported for ſeven years.

Tried by the London Jury, before Mr. Juſtice BULLER.

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444. ROBERT WHITE was indicted for feloniouſly ſtealing, on the 23d of May, a Bank-note, value 40l. the property of Edward Simpſon.

EDWARD SIMPSON *ſworn.*—On the 23d of May, I loſt a 40l. Bank-note; I ſent one of my clerks to receive 40l. in a check, his name is William Curtis, he called at the banker's as he came along, and received a 40l. Bank-note for the check; he brought it back to my warehouſe; I never ſaw the note myſelf till I ſaw it at the office.

WILLIAM CURTIS *ſworn.*—On Wedneſday, the 23d of May, I went to Flint and Palmer's, to receive 40l. I received a check upon Newnham, Everitt, and Tibbetts; I went to their banking ſhop, and received a 40l. Bank-note for it; I delivered the Bank-note into Mr. Jones's hands; Mr. Jones is not here.

Q. Did you ſee what Jones did with it?—*A.* No. About half an hour after, Mr. Jones called to me to know if I had ſeen that note. I ſaw the note again about half an hour, upon the deſk where Mr. Jones had put it.

Q. How it came upon the deſk, you do not know, of your own knowledge?—*A.* No. I then put it into the iron drawer. When I came, about eight in the evening, Jones aſked me for the note, and when I came to look for it, it was gone; I never ſaw it afterwards.

THOMAS HORNE *ſworn.*—On the 28th of May, the wife of the priſoner came to our ſhop, Mr. Tuther's, a linen-draper, upon Holborn-hill; ſhe bought ſeveral articles, and produced a note for 40l. I took the note of her and gave it to Mr. Tuther, and he returned me the change, which was 33l. 3s. Mr. Tuther kept the note.

Q. He is not here?—*A.* No.

JOHN WRAY *ſworn.*—I am one of the officers belonging to Worſhip-ſtreet: In conſequence of Mr. Simpſon applying for a ſearch-warrant, I went, in company with Mr. Simpſon, to the priſoner's apartments, in Bedford-ſtreet, Strand; I enquired for the priſoner and he was denied, and I went into a room upon the ground-floor, where the priſoner was in bed; I ſearched his breeches-pockets, and found three two pound notes, and two ones, a half-guinea, and ſeven ſhillings; I found a key which led to a drawer in the adjoining room, there I found five guineas and a half; I ſearched further, and in another room I found a five pound note, two half-guineas, a guinea, and a ſeven-ſhilling-piece; I ſecured him and his wife, and coming along in the coach, he begged for mercy, and ſaid, he had taken it for the ſake of his wife, and meant to have replaced it again.

Q. Had you ſaid any thing to him to induce him to ſay that?—*A.* No; he ſaid he owed a number of ſmall debts, and that this was change out of the forty pound note.

Simpſon. He gave me a liſt of the places where he had diſpoſed of the money, and how he had diſpoſed of it. *(Produces it).*

Q. Did you make uſe of any kind of promiſe or threat?—*A.* No; he told me he had taken the note off the deſk.

Q. Did he ſay how much the note was for?—*A.* Yes, forty pounds; the liſt that he gave me amounted to 41l. 17s. 11d. he ſaid he had ſome looſe caſh about him which made the difference.

Q. Was it at all mentioned in his hearing that it was a forty pound note, ſpecifying the ſum?—*A.* No.

Q. Have you any partner?—*A.* No.

Priſoner's defence. On Tueſday, the 22d of May, a forty pound note was miſſing, I was in the warehouſe, I heard of it; there was a noiſe about it, and we were all called up except one, a Mr. Jones, who I believe is a partner with Mr. Simpſon, who might have had it for any thing I know; Mr. Simpſon has a great number of ſervants; I was ſearched from top to toe and nothing was found, none of the reſt were ſearched; I went to work as uſual till Whit-Monday, and then I begged for a holiday, which he agreed to, and then I told him I had got a place ſuperior to his, and I did not go again till Thurſday, when I was apprehended; I did not make any reſiſtance. GUILTY (Aged 25.)

Tranſported for ſeven years.

Tried by the London Jury, before Mr. Juſtice BULLER.

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445. MARY EVANS was indicted for feloniouſly ſtealing, on the 4th of July, a watch, the inſide caſe made of metal, and the outſide of tortoiſeſhell, value 3l. a ſteel watch-chain, value 6d. a cornelian ſtone ſeal ſet in baſe metal, value 6d. a braſs watch-key, value 1d. and five guineas in money, the property of William Bond, in the dwelling-houſe of Jeremiah Day.

WILLIAM BOND *ſworn.*—I am a ſervant out of place: I was robbed between one and two o'clock this morning.

Q. Were

Q. Were you drunk or ſober?—*A.* Quite ſober; I met with the priſoner in Oxford-ſtreet about half paſt twelve o'clock, ſhe and two more were ſitting down, the priſoner aſked me for a penny, then ſhe aſked me if I would go home with her; I told her, no; ſhe aſked me to give her ſomething to drink, and I gave her a glaſs of peppermint; I did not drink with her.

Q. How came you out ſo late?—*A.* I had been in the country ſeeking for a place; I had had but one pint of beer before; I went home with her, ſhe took me to her lodgings in Buckeridge-ſtreet, St. Giles's, ſhe ſhewed me up into the room, I felt in my pocket and found my money and watch ſafe; ſhe aſked me what I would give her; I told her I would give her a ſhilling; ſhe ſaid that was not enough; I told her, you are kindly welcome to the ſhilling, I don't want to ſleep with you; ſhe ſaid it was ſo late ſhe ſhould not go out again to-night, and I might as well ſtay and ſleep with her; ſhe aſked me to go to bed firſt, which I did; I put my ſmall clothes underneath the bed, with the five guineas in them, and then ſhe came to bed with her coats on; I ſaid, are not you going to undreſs; ſhe ſaid, no; I fell aſleep, and was awaked by the watchman coming by two o'clock; I looked up, and ſaw the window and door open, I felt for the girl and ſhe was gone; I got up as quick as I could to feel for my money, my ſmall clothes were pulled out from the place, and my money and watch gone; I put my things on as faſt as I could, and went down ſtairs; I ſaw a watchman, and told him a woman had robbed me; then we went off together to the watch-houſe, and found the girl in the ſtreet, with two more with her; I ſaid to the watchman, that is the girl that took my money and my watch, I told the watchman to take charge of her; ſhe ſaid, let me go; I ſaid, where is my watch; ſhe put her hand in her pocket, and ſaid, here it is, and gave it me; ſays I, where is my money; ſays ſhe, I have given it you; then we took her away to the watch-houſe.

Q. Do you know, of your own knowledge, in whoſe houſe ſhe lived?—*A.* No; *(produces the watch)*; I told the watchman I ſhould know my watch by a ſpot on the glaſs.

JAMES FARMER *ſworn.*—I am a ſupernumerary watchman: I was crying the hour of two o'clock in the morning, in Buckeridge-ſtreet; the proſecutor came out at a private door, and called me, he ſaid he had been robbed of his watch and five guineas; as we were going along I ſaw the priſoner and two other women drinking out of a quart pot; the proſecutor ſaid, that is the woman, you do your duty; ſhe ſaid ſhe had never ſeen him before; when we got into Broad-ſtreet, Bloomſbury, ſays he, what is become of my watch and money; ſays ſhe, there is your money, and ſhe gave him his watch, but I did not ſee any money; we ſearched her lodgings, but could not find any money.

Priſoner's defence. I was in Dyot-ſtreet between one and two o'clock, talking with two young women, and that gentleman came up with the watchman, and he began to pull the girls about, and they ran away, and then he ſaid I had robbed him of five guineas and a watch; the watchman told me if I would give him two guineas he would make it up.

Q. *(To Farmer.)* Do you know to whom the houſe belongs?—*A.* No. GUILTY

Of ſtealing, but not in the dwelling-houſe.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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446. JOHN TARRANT was indicted for feloniouſly ſtealing, on the 20th of June, a gelding, value 8l. the property of William Gevers.

HENRY DOUGLAS *ſworn.*—The priſoner at the bar brought a horſe to where I live, at the Bull-inn, the bottom of Hatton-gardon, for ſale; I looked at the horſe, and ſaid, it was in a very bad ſtate; he aſked me 5l. for it.

Q. Was it a gelding?—*A.* Yes; I told him, I would not give more than two guineas and a half for him; he went away and came back again; he then ſaid, I ſhould have it; I told him, I thought he had come diſhoneſtly by it; he ſaid, he had not, his mother had deſired him to have it killed, but he thought it was too good to kill; he gave me his direction, No. 5, Garden-row, City-road; I told him, if you will ſtop till I come back, and I find you have come honeſtly by it, I will buy the horſe of you; I went immediately, and found the priſoner's father there; I returned home, and the priſoner was gone, he had left the horſe, and I went to the Daily Advertiſer Office, and advertiſed it, that was on Wedneſday afternoon, the 20th of June, and on Saturday Mr. Turner and Mr. Gevers came to my houſe to look at the horſe, I believe they are partners.

JOHN TURNER *ſworn.*—Q. Are you in partnerſhip with Mr. Gevers?—*A.* No, I am not.

Q. Did this horſe belong to Gevers or you?—*A.* To Gevers.

Douglas. Mr. Turner came to me on Saturday and claimed the horſe, after keeping it about eight or nine days, I reſtored the horſe to Mr. Turner.

Turner. I am a horſe-dealer in Iſlington-road; the priſoner applied to us for a horſe to go to Tottenham High-croſs, on the 20th of June, between ſeven and eight in the morning; he made the enquiry of Mr. Gevers, I ſtood by at the time; he ſaid, he was the ſon of Mr. Gilliard, of Iſlington-road, ſchoolmaſter. On that account, knowing

Mr.

Mr. Gilliard, we lent him the horſe; when he went out of the yard, he ſaid, he ſhould be home between ſeven and eight in the evening. At ten o'clock I went to Mr. Gilliard, and aſked him, if he expected his ſon home that night, and he ſaid, he had no ſon; I deſcribed the lad to Mr. Gilliard, and he thought it was the priſoner, who went to ſchool to him, but we could not find any thing of him till laſt Saturday; Mr. Douglas came up to our yard, and told us he had got a horſe of ours, and knew the lad to be at Kenſington; we went to ſee the horſe, and knew it to be ours, it was a bay horſe with a bald face, there are no particular marks upon it, we had had the horſe about ſix weeks, we found the priſoner at Kenſington.

EDWARD LUCAS *ſworn*.—I am an officer; I apprehended the priſoner at Kenſington, he had enliſted for a ſoldier there, that is all I know of it.

The priſoner put in a written defence to the following effect:

My Lord, and Gentlemen of the Jury. I ſhall not intrude upon your time by entering into a long detail of defence, nor is it my wiſh or principle ſo to do. I had hired the horſe of Mr. Turner, and had rode the horſe ſo hard, that I was afraid to return. I ſolemnly declare that I was totally ignorant of the conſequences attending ſuch imprudence and juvenile indiſcretion, and that it was not from the poſſeſſion of a diſhoneſt or depraved heart; I moſt humbly, therefore, throw myſelf before you, my Lord, the Proſecutor, and the Gentlemen of the Jury, craving that mercy which has ſo highly diſtinguiſhed a Britiſh Court of Juſtice, and my future conduct ſhall atone for my paſt indiſcretions.

Lucas. The priſoner had deſerted from one regiment, and entered into another; his father is a very reſpectable man in the India-houſe.

Douglas. The horſe had been rode very hard, and was in a very weak ſtate. NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. RECORDER.

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447. JOHN TARRANT was again indicted for feloniouſly ſtealing, on the 20th of June, a ſaddle, value 15s. and a bridle, value 6s. the property of William Gevers.

Mr. Juſtice Buller. Gentlemen, you muſt acquit the priſoner upon this indictment, it is but one offence, and there is no reaſon why a man ſhould be tried twice for one offence.

NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. Juſtice BULLER.

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448. JAMES TURNBULL was indicted for feloniouſly ſtealing, on the 4th of June, a Bank-note, value 15l. and another Bank-note, value 10l. the property of Richard Knight.

There being no evidence to bring the charge home to the priſoner, he was ACQUITTED.

Tried by the firſt Middleſex Jury, before Mr. Juſtice LAWRENCE.

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449. MARTHA CUMMINS was indicted for feloniouſly ſtealing, on the 30th of June, a cloth great coat, value 3s. and another cloth coat, value 3s. the property of Edward Criſpin.

EDWARD CRISPIN *ſworn*.—Laſt Saturday, I loſt two coats out of my apartments, in St. Ann's, Blackfriars; they were found at a pawnbroker's, in Brick-lane, Spitalfields, I was not preſent when they were found.

JOHN GRIFFITHS *ſworn*.—I found two coats at Mr. Sowerby's, in Brick-lane, I took them to the office, and they were delivered back to the young man that took them in pledge.

—— MARTIN *ſworn*.—I am ſervant to Mr. Sowerby, a pawnbroker; I took in theſe two coats of the priſoner for 6s. *(Produces them.)*

Q. How came you to take ſuch articles from a woman of the appearance of the priſoner?—*A.* She uſes our ſhop.

Q. Do you mean to ſay, upon your oath, that you thought ſhe came honeſtly by them?—*A.* Yes.

Q. Remember, you are upon your oath?—*A.* Yes, I really thought ſo.

Criſpin. Theſe are my coats.

Priſoner's defence. I live with the proſecutor's ſon; the old man turned me out of the houſe laſt Friday night, and I could not get a lodging, we did not agree at all.

Criſpin. She and I had had a great many words, ſhe had affronted me ſeveral times, and I ſaid ſhe ſhould not ſleep there, and ſhe ſhook hands with my ſon, and ſaid, good by, I ſhall not ſee you any more.

Criſpin. I do not think the poor wretch intended to defraud me, I believe ſhe meant to have reſtored them again. NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. Juſtice BULLER.

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450. MARY FITZGERALD was indicted for feloniouſly ſtealing, on the 23d of June, a ſilver watch, value 10l. a ſilk watch ribbon, value 1d. a braſs watch key, value 2d. and a baſe-metal ſeal, value 3d. the property of John Fitzgerald, in the dwelling-houſe of John Maſon.

The proſecutor was called, but not appearing, his recognizance was ordered to be eſtreated.

NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. Juſtice LAWRENCE.

451. JOSEPH PEACHEY was indicted for feloniouſly ſtealing, on the 28th of May, a pocket-book, value 6d. the property of a certain perſon, whoſe ſurname is Brown, but whoſe chriſtian name is to the jurors unknown.

Second Count. Laying it to be the property of a perſon or perſons, to the jurors unknown.

(It appeared, from the evidence of William Gray, who was in the poſſeſſion of the pocket-book, that he had applied to the proſecutor, who had refuſed to come forward to proſecute; the witneſs having ſeen the priſoner take the pocket-book out of the pocket of the proſecutor.)

Court. The priſoner muſt be acquitted, for I never will ſuffer a priſoner to be convicted of ſtealing the property of perſons unknown, when a proſecutor does not chuſe to come forward, in that caſe it is not the property of perſons unknown.

NOT GUILTY.

Tried by the London Jury, before Mr. RECORDER.

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452. WILLIAM THOMPSON was indicted for feloniouſly ſtealing, on the 30th of July, a cloth coat, value 2l. the property of William Cox.

JAMES COX *ſworn.*—I am the ſon of William Cox, a taylor, in Great Ruſſel-ſtreet: I was taking a coat home laſt Tueſday, to Sir John Eamer's, my father made it for one of Sir John's ſervant's; I was ſitting behind a hackney-coach, upon Snow-hill, the coat was tied up in paper, and I had got it under my arm; there was the priſoner and another; the priſoner ſaid, hold it tight, he was ſitting behind the coach by me, the other man had hold of the handle of the coach behind.

Q. Who got up firſt, you or the priſoner?—*A.* I did; the priſoner told me to hold it tight, and I did hold it very tight; then he ſaid, ſhall I carry it for you? I told him, I could hold it faſt enough; and then he pulled it from under my arm, and the other man laid hold of my hat upon my head, and pulled me from behind the coach into the road; the priſoner put the parcel under his coat, and ran up a court facing St. Sepulchre's church; when he had got up the paſſage, he dropped it, and then came back again, and a woman on the other ſide of the way picked it up; ſhe brought the coat to me, and ſaid, here is the coat; when the priſoner came back again, a gentleman ſnatched hold of him in his arms.

Q. Is that woman here?—*A.* No, ſhe is not; another gentleman took hold of him, and took him to the Compter; I took the coat to Sir John Eamer's, and my father went the next morning to fetch it away, my father is here; I wrote a direction upon it myſelf.

Q. Was the coat that your father brought home the next day, the ſame coat that you loſt?—*A.* I am ſure it is, for I helped to ſew it.

Q. Are you ſure the priſoner is the ſame perſon?—*A.* Yes; I never loſt ſight of him at all.

WILLIAM COX *ſworn.*—I am the father of the laſt witneſs: I ſent the boy with a coat, to carry to Sir John Eamer's, on Tueſday night laſt, my boy directed it, and the next day I received the ſame coat from one of Sir John Eamer's ſervants; this is the ſame coat, *(produces it)*; I have kept it ever ſince.

DAVID WHITCOMB *ſworn.*—I am a cabinet-maker: I was returning from work up Snow-hill, I heard the cries of the child running after the priſoner at the bar, I ſaw him oppoſite St. Sepulchre's Church, he went to turn down a paſſage, but thinking it was no thoroughfare he made a turn to come back, and I caught him in my arms; I aſked him what he was doing; he ſaid he had juſt come out of the court, he was ſo much out of breath that he could not ſpeak for ſome time; while I had him by the collar, a woman came up the court with the coat, and gave it to the boy, I took him to the Compter; that is all I know of it.

Priſoner's defence. I was coming home about half paſt nine o'clock, I heard ſomebody ſcream out, I ran up, and this man caught hold of me and took me to the Compter.

Whitcomb. He made a reſiſtance, and wanted to fight, till I told him I would knock him down if he was not quiet.

GUILTY (Aged 21.)

Tranſported for ſeven years.

Tried by the London Jury, before Mr. RECORDER.

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453. JOHN CRAWFORD was indicted for forging and counterfeiting, on the 18th of June, a Bank-note for the payment of five pounds, with intention to defraud the Governor and Company of the Bank of England.

Second Count. For that he, having in his poſſeſſion a certain forged Bank-note for the payment of five pounds, did feloniouſly diſpoſe of and put away the ſame as and for a true Bank-note, knowing it to have been forged, with the ſame intention.

Third Count. For forging and counterfeiting a promiſſory note for the payment of money, with intention to defraud the Governor and Company of the Bank of England.

Fourth Count. For uttering and publiſhing as true, a like forged note, knowing it to have been forged, with the like intention.

Fifth Count. For that he, having in his cuſtody a certain Bank-note for the payment of one pound, did feloniouſly alter the ſaid Bank note by removing the word "One," and placing the word "Five" in its ſtead, with intention to defraud the Governor and Company of the Bank of England.

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The indictment alſo charged ſimilar offences in various other Counts, with intention to defraud Joſeph Aſhfield.

(The indictment was opened by Mr. Giles, and the caſe by Mr. Fielding).

JOSEPH ASHFIELD *ſworn.—Examined by Mr. Knowlys.* I am a ſhoe-maker, in Bryanſtone-ſtreet: On Monday, the 8th of June, a Bank-note was brought to me.

Q. Look at that note, is that the ſame?—*A.* It is; the man's name was Long, as I found afterwards, he came for a pair of boots that I had had to repair, he aſked what they came to; I told him half-a-guinea; upon that, he pulled that note out of his pocket, and gave it me, I went to the Three Tuns to get it changed; I afterwards had reaſon to believe it was a forged note, I returned it back to the man that gave it me.

Q. Who were you to repair theſe boots for?—*A.* Thomas Phillips.

Q. In conſequence of what Long told you, did you go any where and find Thomas Phillips?—*A.* Yes, I went with him into Portman-ſquare; when we got about half way down the ſquare, Phillips came up to us, and we told him it was a bad one; in conſequence of that, Phillips took us to a public-houſe in Marybone-ſtreet, kept by Mr. John.

Q. In conſequence of what Phillips and Long ſaid to you, who did you find there?—*A.* When we came there, the priſoner was not there; I went to Berners-ſtreet, and when I came back he was at the public-houſe; I aſked him how he came by the note.

Q. Did you ſhew him the note?—*A.* After a bit he ſaw it; he ſaid he had taken it at the Duke of Portland's office, he ſaid he was a King's Meſſenger; then I aſked him if he would go with me to the Duke of Portland's office; he ſaid, yes, as he was King's Meſſenger, he had taken it there in part of his ſalary.

Q. Had you ſhewn him the note by this time?—*A.* After that, he aſked if he might ſee the note; I took the note out of my pocket and ſhewed it him, and he ſaid it was his note; he aſked what it was; and I told him it was a *one* altered into a *five*; upon that, he ſaid he ſhould be under the neceſſity of making an affidavit that he had taken it at the Duke of Portland's office, or he ſhould be four pounds loſer; upon that he went out, and ſtood in the paſſage talking with a woman at the bar, whom I afterwards ſaw, and who turned out to be Mrs. John, the landlady; after he had ſpoke to her, he came back, and ſaid he thought he had taken it at the Duke of Portland's office, but the landlady had given it him.

Q. Did he tell you under what circumſtances, or how the landlady had given it him?—*A.* No; he then, to the beſt of my knowledge, aſked me to take his meaſure for a pair of boots, that he had great connections, and it might be the means of getting me a deal of work, I took meaſure of him for a pair of boots; upon that, Long ſaid, he wanted to ſpeak to me, and I went out with him; when I came back, Crawford aſked what buſineſs we had to go out, he ſaid, if we had had any thing to ſay we might have ſpoke it there; then Phillips and he rather abuſed Long for calling me out; with that, I went to the landlady and enquired for a conſtable, I went away to Marlborough-ſtreet; when I returned I ſhewed him to the runners, and he was taken into cuſtody.

Croſs-examined by Mr. Knapp. *Q.* When you firſt came back to the public-houſe there was ſome converſation before the note was produced?—*A.* Yes.

Q. Therefore, it was impoſſible for him to underſtand whether your converſation applied to that note or any other note of five pounds?—*A.* That note; he acknowledged the note.

Q. But your previous converſation was not applicable to that any more than any other five pound note?—*A.* No.

Q. It was not till after he had had ſome converſation with the landlady that he corrected himſelf, and ſaid he had it from her?—*A.* No.

Court. *Q.* Was it before he had ſeen the note that he ſaid he had had it from the Duke of Portland's office?—*A.* Yes, before he had ſeen it.

Mr. Knapp. *Q.* You told him it was a forged note?—*A.* The two young fellows had told him ſo.

Q. He knew it was a forged note?—*A.* Yes.

Q. He was given to underſtand that you were going for a conſtable—you had ſaid ſo?—*A.* Yes.

Q. And, notwithſtanding, he knew you were going for a conſtable, upon your returning with a conſtable, you found him at his lodgings at the public-houſe?—*A.* Yes, in the public tap-room.

Q. How many perſons were there?—*A.* There was nobody that heard the converſation.

Q. Was it not in the public tap-room?—*A.* Yes, and ſeveral perſons came in and out.

Court. *Q.* After the note was produced, did he ſay any thing about the Duke of Portland's office?—*A.* He ſaid, he was a King's meſſenger, ſeveral times, and that he had received it as part of his ſalary.

Mr. Knapp. *Q.* Did he not ſay, after he had had a converſation with the woman, that he thought he had received it from the Duke of Portland's office?—*A.* Yes; but then he ſaid the landlady had given it him.

Court. *Q.* After you had ſhewn him the note, he ſaid, he was a meſſenger, and had received it as part of his ſalary—was that before he had had the converſation

converſation with the landlady, and after he had ſeen the note?—*A.* Yes.

JAMES LONG *ſworn.—Examined by Mr. Giles.* I went to Mr. Aſhfield's, for a pair of boots, Thomas Phillips deſired me go there.

Q. Did you take that note to him?—*A.* I took a note, but I cannot ſwear to it.

Q. The note you produced to Aſhfield, you received from Phillips?—*A.* Yes.

THOMAS PHILLIPS *ſworn.—Examin d by Mr. Giles.* I gave the laſt witneſs a five pound note to pay for a pair of boots of mine that had been repaired. I met with the priſoner oppoſite Mr. John's door, about two o'clock in the afternoon of the Monday, I had got a pair of boots in my hand, I told him, I was going to ſell them; he ſaid, they were not big enough for him, or elſe he would buy them; I told him, I thought I had a pair that would juſt ſuit him; he deſired me to fetch them; I ſaid, I could not, they were at the boot-maker's, and I had no money; he aſked me what I thought they would come to; I ſaid, about ten ſhillings; the priſoner then gave me the note doubled up, and ſaid, it was a five pound note; I owed Mr. Aſhfield a trifle of money, which I was not able to pay, and I aſked Mr. Long to go for the boots for me, becauſe I did not like to make free with Crawford's money any further than he had given me toleration to do.

Q. Was the note you gave Long the ſame you received from Crawford?—*A.* Yes; I did not open it at all.

Q. Long came back to you?—*A.* Yes, he did, in the ſquare, Mr. Aſhfield came back with him; I went with them to Mr. John's, to ſee for the priſoner, we waited till he came; I told him, it was a bad note; he ſaid, he was very ſorry for it, he muſt be the loſer.

Q. Did you hear him ſay where he had taken it?—*A.* No. There were ſeveral people in the tap-room; I believe every one in the tap-room might hear the converſation about the note and every thing.

Q. Did he ſay any thing about where he got it from?—*A.* I underſtood that he had received it from the Duke of Portland's office, and afterwards, he ſaid, he had found himſelf quite miſtaken, he had it from the landlady.

Croſs-examinɛd by Mr. Knapp. *Q.* All the converſation that paſſed relative to this note, paſſed in the public tap-room, did it not?—*A.* Yes.

Q. And every body near the place might have heard it very plainly?—*A.* Yes.

Q. He ſaid, he had found himſelf miſtaken, he had had it from the landlady?—*A.* Yes, and the landlady came forward to ſay it was the note.

Mr. Fielding. (To Aſhfield). *Q.* How long was it after you had left the houſe to go to Marlborough-ſtreet, that you came back?—*A.* It might be fifteen or twenty minutes.

JAMES KENNEDY *ſworn.—Examined by Mr. Fielding.* I am one of the officers of Marlborough-ſtreet: I went with Mr. Aſhfield to a public-houſe in Marybone-ſtreet; the priſoner knew me before I knew him, he aſked me how I did; I told him, very well; I aſked Mr. Aſhfield, where is the man that gave the note to you; he ſaid, he was not here; Mr. Crawford made anſwer, the note is mine; I ſaid to Crawford, you muſt give an account how you came by that note; he ſaid, he took it at the Duke of Portland's office, he was one of the King's Meſſengers. The landlady came forward, and ſaid the note was her's, and he acknowledged he received it from her; I took him into the back parlour, and ſearched him, but found nothing on him but a ſixpence and ſome halfpence.

Q. Was any queſtion aſked at the Magiſtrate's before the examination?—*A.* Yes.

Mr. Knapp. *Q.* Was it not taken in writing?—*A.* No.

Q. Was it afterwards put into writing?—*A.* I cannot ſay.

Q. Will you ſwear it was not taken in writing?—*A.* No, I will not.

Croſs-examined by Mr. Knapp. *Q.* So when you came in, he knew you, and knew you to be a public officer, and he gave you the account that you have deſcribed, immediately, ſaying it was his note, and that in the public tap-room?—*A.* Yes.

Mr. CAMDEN *ſworn.—Examined by Mr. Fielding.* I am office-keeper at the Duke of Portland's office.

Q. Is there any ſuch man a meſſenger in the office, as the priſoner?—*A.* No, nor ever was.

EDWARD BATESON *ſworn.—Examined by Mr. Fielding.* I am an upholſterer, in High Holborn: On the 29th of May, I received a five pound note from Mrs. John, which I ſhould know again.

Q. Look at that note?—*A.* That is the note I received from Mrs. John, I returned it to her again a fortnight afterwards.

Q. Why did you return it to her?—*A.* I had paid it away, and it was returned back to me.

Q. When you went back to Mrs. John, and you had an opportunity of telling her of it, was any perſon with her?—*A.* Yes, the priſoner at the bar.

Q. Then he heard what paſſed?—*A.* I believe he did. I told Mrs. John, it was a one pound note made into a five pound, and the priſoner at the bar looked at it, but I did not hear him make any obſervations upon it. Mrs. John ſaid, ſhe muſt be the loſer of it; ſays I, you will loſe but four pounds, and that is better than loſing five, but, perhaps you may recollect in a few days where you took it.

Q. You gave her no advice?—*A.* None at all.

Croſs-

Croſs-examined by Mr. Knapp. Q. Did you know the priſoner before?—*A.* I do not know that I have ſeen him above twice or three times in my life.

Q. Did you ſay before the Magiſtrate that he was the perſon?—*A.* I never was before the Magiſtrate upon the buſineſs.

Q. You kept the note about a fortnight?—*A.* Yes; I had it in my own poſſeſſion about a week, and then I paid it away to Mrs. Kinſey, ſhe is here.

Mr. Fielding. Q. Did Mrs. John make any other obſervation?—*A.* No; ſhe ſaid, ſhe could not recollect where ſhe took it unleſs it was from No. 29.

Mrs. KINSEY *ſworn.—Examined by Mr. Giles.* I received a note from Mr. Bateſon, I put Mr. Bateſon's name upon the back of it.

Q. Look at that note?—*A.* This is the note that I received from Mr. Bateſon, I gave him change for it.

Croſs-examined by Mr. Knapp. Q. How long was it in your poſſeſſion?—*A.* A week, I think, and then it was paid to Mr. Rich.

Q. How long had he it in his poſſeſſion?—*A.* From Saturday morning till evening. It was paid away by my ſon, I was out of town.

Q. You left it with other notes in your ſon's poſſeſſion?—*A.* Yes.

Q. Can you ſay whether you had any other five pound notes in the houſe?—*A.* Yes.

Court. Q. When did you write Mr. Bateſon's name upon it?—*A.* The inſtant I received it from Mr. Bateſon.

Mr. JOHN BOOTH *ſworn.—Examined by Mr. Giles.* I ſign the one pound notes in the Bank; this is my writing.

Q. Are you able to ſay what that note was originally?—*A.* It was A. 9749; it was a one pound note at the time that I ſigned it; here appears to be an alteration in the date, from the 10th to the 16th, and the one is altered into a five.

Q. You do not ſign five pound notes?—*A.* No.

Mr. Fielding. Saving Mrs. John, this is my caſe, if the gentleman, who is counſel for the priſoner, chuſes to examine her, ſhe is here.

The note read, No. 859,749. Bank, 16th of January, 1798. I promiſe to pay Mr. Ab. Newland, or bearer, on demand, five pounds. London, 16th day of January, 1798. For the Governor and Company of the Bank of England.

Entered, E. Smith. Signed, J. Booth.

Priſoner's defence. I received the note from Mrs. John, by the hands of her neice.

For the Priſoner.

CHARLOTTE GRIFFITHS *ſworn.—Examined by Mr. Knapp.* I am going of thirteen years old, the priſoner lodged at my aunt's houſe, Mrs. John.

Q. Do you remember being deſired by the priſoner to aſk your aunt to lend a ſum of money?—*A.* No. On Sunday morning, the 17th of June, he aſked me for change for a ten pound note.

Q. That was the day before he was taken up?—*A.* Yes.

Q. Did he give you a ten pound note?—*A.* No.

Q. Do you know that he was in the habit of borrowing money of Mrs. John?—*A.* No.

Q. In conſequence of this deſire, did you go up ſtairs to your aunt?—*A.* Yes, ſhe was ill at that time in bed; I went up and aſked her for change for a ten pound note for Mr. Crawford, and ſhe gave me the keys of the drawers to take it; I took out of the drawer five pounds, four guineas and a half, and ſome ſilver.

Q. Are you ſure it was a five pound note?—*A.* Yes.

Q. Was there any other five pound note there?—*A.* No.

Q. Look at that note, and ſee if it is the ſame note?—*A.* This is the note, I took it down ſtairs to Mr. Crawford, and gave the note and the caſh to him; he ſaid he did not want it all, and returned the caſh; I thought the caſh would be more uſeful to my aunt than the note, and therefore I took the caſh back.

Q. Are you correct in ſtating exactly what Crawford ſaid at the time he deſired you to go up to your aunt—did he aſk for change, or caſh, or in any particular way?—*A.* No; he only aſked for change for a ten pound note.

Q. Did your aunt deſire you to pay it in any particular way, or did you take it as you found it?—*A.* I took it as I found it in the drawer.

Q. Was there any more caſh in the drawer?—*A.* Yes, but I cannot ſay how much, I did not count it.

Croſs-examined by Mr. Fielding. Q. How long have you lived with your aunt?—*A.* From three years and a half old.

Q. How long has Crawford lodged at your aunt's?—*A.* About a year, I believe.

Q. He wanted change for a ten pound note—he ſent the caſh back—did he give you a ten pound note?—*A.* No.

Q. What did he ſay?—*A.* He ſaid no further than I might take the caſh back again, he did not want it all.

SUSANNAH JOHN *ſworn.—Examined by Mr. Knapp.* Q. The laſt witneſs is your niece?—*A.* Yes.

Q. The priſoner is a lodger in your houſe?—*A.* Yes; and has been for about theſe twelve months.

Q. On Sunday the 17th of June were you unwell?—*A.* I was very ill in bed, with a rheumatic pain in my head, which I am ſubject to.

Q. Do you remember your niece coming up for change for Mr. Crawford?—*A.* Yes; ſhe came up for change for a ten pound note, I told her to take

the

the keys and get it, and ſhe gave him that note, which ſhe did not know had been returned to me by Mr. Bateſon.

Q. Do you remember afterwards, Aſhfield, Phillips, Long, and Kennedy, coming to your houſe?—*A.* Yes.

Q. Do you remember admitting before thoſe perſons, that that note was given by this little girl to Crawford?—*A.* Yes; and knowing I had no other five pound note by me, I knew it was the ſame.

Q. Crawford had lived with you during a twelvemonth?—*A.* Yes.

Q. Had he been in the habit of borrowing money of you before?—*A.* Yes; half-a-guinea or ſo, at times, he always paid me very honeſtly; I have received four pounds and five pounds of him at a time, but never gave me a note.

Croſs-examined by Mr. Fielding. Q. How does he get his livelihood?—*A.* He was a ſervant out of place, and being a good writer, he uſed to make out bills for the coachmen and footmen, and they paid him for it.

Q. Did the little girl bring you up a ten pound note?—*A.* No.

Q. Did you ever happen to ſay ſhe did?—*A.* I did, when I was very much flurried.

Q. Do you remember Mr. Bateſon coming to your houſe?—*A.* Yes.

Q. Do you remember Crawford being there?—*A.* Yes.

The priſoner called four other witneſſes, who had known him from a year and a half to thirty years, and gave him a good character.

GUILTY Death. (Aged 38.)

Of uttering, knowing it to be forged.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice BULLER.

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454. HENRY NIBLETT was indicted for the wilful murder of William Turner, on the 4th of March. He alſo ſtood charged with the like murder upon the Coroner's Inquiſition.

GREENHOW SHAW *ſworn.*—Q. Did you know William Turner?—*A.* Yes; the laſt time I ſaw him, he was a corpſe at his maſter's houſe, on Stepney-green, that was on Monday the 12th of March; I ſaw him between ten and eleven o'clock, on the 4th of March, in a field behind a public-houſe, called the Ben Johnſon, he was then fighting with a perſon of the name of Niblett, a publican, they were fighting from twenty minutes to half an hour.

Q. Did they appear to you to fight fair?—*A.* Yes; I ſaw no foul blows ſtruck. Before the laſt three rounds, Turner expreſſed a wiſh to leave off, his ſecond, Homan, prevented him.

Q. Did Niblett expreſs any wiſh, either to perſiſt in fighting, or to leave off?—*A.* Not that I heard, either the one way or the other.

Q. During thoſe three rounds, did they appear to fight fair?—*A.* Homan urged the renewal of the combat to Turner, and Turner got up and walked on to meet Niblett, and the laſt round but one, Turner evidently got the worſt of it; Niblett had got his wind, and ſtruck very hard and violently about the head; but the laſt round but one, Turner made an attempt to throw Niblett, what they call a croſs-buttock, and in Turner's endeavouring to do it, his ſtrength left him, his legs gave way under him, and in that poſition he fell; at the end of that round, I begged Homan for God's ſake, not to let him fight any more; his anſwer was very rude indeed, in very coarſe language, he d——d my eyes, and what was it to me, the man was not beat yet; he was led up the laſt round by Homan, and there was a wildneſs in his eyes, and when he went to meet Niblett, he went a great way to the right of him, and Homan ſaid, where are you going? there is your man, and then he took him by the arm, and abſolutely led him up to Niblett; there were three or four blows paſt that round, he received ſome blows upon his head, and the laſt blow he fell upon his back.

Q. Did he ſtrike at all at Niblett the laſt round?—*A* He had the uſe of his hands, but he was extremely weak; for the laſt quarter of an hour there was an inceſſant torrent of blood poured from his noſe and mouth; at the end of the laſt round, he was picked up, and even then he had ſtrength to walk to the man, that they call the bottle-holder, and ſat down upon his knee, and they called out, "time," and Homan ſaid, "why do not you let the man ſtand up," and the moment he took his left arm from his ſhoulders, he fell down double; I obſerved ſtrong convulſions, and he appeared to be choaking; after that, a vein was opened in his right arm, by a ſurgeon, but then he was in the agonies of death; they took him out of the field, and he lived till he got to his maſter's houſe; I think it was a quarter of an hour after that, I went to his maſter's houſe, I went up into the room, and ſaw him, he was then a corpſe, he had juſt expired; I went to Niblett immediately after that, and he was in bed; I told him of the circumſtance, I went to purely to enquire where Homan lived; Niblett expreſſed a very great contrition indeed, and I believe it was ſincere, he ſaid, when I told him of it, "good God, I ſhall never be happy again," and then ſhed a flood of tears.

Croſs examined by Mr. Knapp. Q. I believe, when you ſaw him in bed, it was from the bruiſes he had received?—*A.* Yes.

Q. Homan was the principal promoter of the buſineſs

buſineſs?—*A.* Yes; and there is not a doubt but his life might have been ſaved but for him.

Q. Had it not been for Homan, there would have been a ſtop put to the battle ſooner than there was?—*A.* Yes.

JOHN PAULIN *ſworn.*—I knew nothing of the deceaſed till this happened: On the 4th of March I ſaw the battle between the deceaſed and the priſoner; I ſaw them before the battle commenced; Turner was in the field firſt; I enquired the cauſe of ſo great an aſſemblage of people; they told me it was a fight, and pointed out Turner to me as one of the combatants; I afterwards ſaw Niblett come into the field, and I thought I diſcovered in Niblett a diſinclination to fight; I finding that, took him aſide, and endeavoured to perſuade him to go about his buſineſs, that it could anſwer no good purpoſe his fighting; he ſaid, ſir, I am obliged to you for your advice, but the matter is gone ſo far that it muſt be decided in this way; they then went to fighting; I ſaw nothing in the fight but what is called fair fighting, I believe the miſchief happened through Homan; I believe Niblett would have been very happy to have been taken away, that was the impreſſion it made on my mind; it appeared to me, that the fear of being called a coward was the only thing that induced him to fight; I broke into the ring after the laſt round, and told the ſecond, if you ſet theſe men to fighting any more I will have you taken up; he d—d me, and ſaid, the man ſhould fight as long as he could; they were not put together again then; as to the condition of the deceaſed, I was outſide, and therefore could not ſo well judge.

JOSIAH WATERLOW *ſworn.*—*Q.* Do you know Turner?—*A.* Yes.

Q. Do you know the priſoner Niblett?—*A.* Yes; the deceaſed ſent the challenge by me.

Q. Had you any converſation with either of them before the battle was fought?—*A.* Yes; previous to their fighting, on Wedneſday, the deceaſed talked with me about it, but I did not ſay any thing to Niblett about it till the Saturday night; I told him you are going to fight with Turner, and he told me to hold my tongue, he did not want to hear any thing about it, and that was all that paſſed on the Monday; they had been fighting ſome time before I went to the field.

Q. How many rounds do you ſuppoſe they had?—*A.* A great number, I cannot ſay how many; they fought a great while.

Q. Did you ſee any foul play at all?—*A.* No, I did not; Turner ſeemed to have the beſt of the battle till within the laſt round or two.

Q. What appeared to you to be the change in the battle?—*A.* I am no great judge of that, but when he was turning to throw Niblett a croſs-buttock, he fell upon his head, and I think he might, at that time, over-ſtrain himſelf; after that, the blood flowed from his noſe and mouth very faſt.

THOMAS COLE *ſworn.*—I am a ſack-maker: I know nothing at all about the battle, but I know both the people, that is all I know; I was not there.

Mr. Knapp contended that this caſe could, at moſt, amount to no more than manſlaughter; and alſo ſubmitted to the Court, that, from the circumſtance of the deceaſed falling upon his head in endeavouring to throw Niblett a croſs-buttock, and the blood flowing from his noſe and mouth, they muſt infer that he did not meet with his death from the hands of the priſoner.

The Court were of opinion, that there was a caſe to go to the Jury upon the queſtion of manſlaughter.

For the Priſoner.

THOMAS WINDLE, Eſq. *ſworn.*—*Examined by Mr. Knapp.* I live at Mile-end: the priſoner lived with me a year and a half, he was a man of a humane, good diſpoſition; I ſhould not have parted with him, but he was going to ſettle.

Rev. Mr. THIRLWALL *ſworn.*—I have known the priſoner ſeveral years, he always maintained a ſober, honeſt, humane character.

MR. EDWARD MARTIN *ſworn.*—I am a ſurgeon and apothecary, at Mile-end: I have known the priſoner five years, his general character is that of a humane man.

NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. Juſtice BULLER.

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455. DOMINICK KILGANNON was indicted for the wilful murder of James Healey, on the 3d of June.

MARY PEARCE *ſworn.*—*Q.* Did you know James Healey?—*A.* I did not know either the one or the other: The deceaſed took hold of my left arm on Sunday night, the 3d of June, and aſked me to have ſomething to drink, I had got through Temple-bar, beyond the Church, going towards Drury-lane; I ſaid would he give me any, and we walked on till we came to a very low public-houſe, the Cock and Magpye, in Drury-lane; there were three in company, him and two others.

Q. Do you know either of thoſe perſons?—*A.* The priſoner was one of the two that was with the deceaſed; we all four went into the public-houſe, and had half a pint of gin, and two pots of beer; we ſtaid there about an hour.

Q. What time of night was it?—*A.* It was about ten o'clock at night when the deceaſed firſt took hold of my arm; I continued with them till twelve o'clock, when the murder was done; while we were

in

in the public-houſe, the priſoner at the bar was trying to get me away from the deceaſed man, they had not any words, but talking to the deceaſed man, and trying to get me away from him; after drinking the liquor, I went out at the door with a tall man, in a light-coloured coat, who wiſhed us a good night.

Q. Was he one of the three that you met with at Temple-bar?—*A.* Yes; he bid us good night, and went towards the New Church in the Strand; the deceaſed and the priſoner came out together directly after, and we went up Drury-lane, towards St. Giles's; walking up Drury-lane, two or three times, the man that is in cuſtody there, tried very much to get me from the deceaſed man, ſaying, he would have me from him, and the deceaſed man ſaid he ſhould not have me; the deceaſed man and I agreed to go and ſleep all night together, and we walked up Drury-lane trying to loſe the priſoner, that he ſhould not ſee where we were going; we walked up three or four times, and the priſoner became very reſolute, inſiſting upon having me from the deceaſed man.

Q. What do you mean by being reſolute?—*A.* Putting his arms round my neck, trying to get me away, and the deceaſed man was ſqueezing my left hand not to give any ear to him, not to go with him; upon that, the priſoner ſaid, d—n his eyes he would have me, or he would have his life; accordingly he ſtabbed at him with a ſtick, he had a kind of a cane in his right hand, and he ſhook it, and the bottom part flew off, he jabbed it at him immediately, and the ſecond jab he dropped, and never ſpoke at all; and he jabbed at him a third time, after he was down.

Q. Whereabouts was this?—*A.* Oppoſite Queen-ſtreet, in Drury-lane, nearer to Queen-ſtreet than Long-acre, in the road-way; with the jabbing and the fright, I ſcreamed out murder three or four times.

Q. What became of the priſoner?—*A.* I do not know; when I ſcreamed out, ſeveral watchmen came up, and I went away and left the man lying there, and the watchmen round him; the priſoner threw away the ſtick in a careleſs manner, and almoſt ſtruck the watchman's feet, and he ran up Drury-lane towards St. Giles's; the watchman, inſtead of going after him, ſtooped down to pick it up.

Q. How was the deceaſed dreſſed?—*A.* In a blue coat, a round hat, a broad ſtriped waiſtcoat, a kind of a brown ſtripe, and broad ſtriped breeches of a kind of a browniſh colour; his hair was rather long, but of a dark complexion.

Q. Was his hair tied?—*A.* No, looſe.

Q. Was he a tall man, or a ſhort man?—*A.* A very tall ſtout made man.

Q. How was the priſoner dreſſed at that time?—*A.* A blue coat, red waiſtcoat, and round hat, very ſhort dark hair, but tied on the Sunday night.

Q. What ſort of a ſtick was it he had in his hand?—*A.* A kind of a cane.

Q. What colour was it?—*A.* A kind of a lightiſh cane.

Q. Were you able to ſee the ſword, or whatever it was, ſo as to tell us the length of it?—*A.* Yes; after he ſhook the cane, he gave it a ſudden jerk, and the bottom part flew off; it was about the length of two fingers.

Q. Are you ſure the priſoner is the man that did this?—*A.* I am poſitive he is the man, and no other; I was in his company two hours, he was with the deceaſed man when he caught hold of me.

Croſs-examined by Mr. Knowlys. Q. What way of life are you in?—*A.* I am an unfortunate girl, getting my bread at different times in the ſtreet; I am never long in London together.

Q. I believe the Juſtice aſked you what religon you were of?—*A.* Yes.

Q. And you told him none at all, did not you?—*A.* I did not underſtand the way that he aſked me.

Q. Then you ſay it was a miſtake?—*A.* I did not underſtand him.

Q. Tell us, at this time where you lived, and who you lived with?—*A.* I lodged with Mrs. Welſh, No. 2, Coal-yard, Drury-lane; when I come from the country I always go there; I am there ſometimes for a week or two.

Q. At the time this happened were you a lodger of Mrs. Welſh's?—*A.* I only ſlept there till I could get the room.

Q. How long had you ſlept there before this matter happened?—*A.* I reached home on the Monday as this happened on Sunday night.

Q. Then you had been at Mrs. Welſh's from the Monday night?—*A.* Yes, when I could get in; ſometimes I could not get in, and then I was obliged to walk about all night.

Q. What public-houſe was it you went with the deceaſed to?—*A.* The Cock and Magpye in Drury-lane.

Q. What part of the houſe were you in?—*A.* In the box No. 2.

Q. I tell you fairly, the people of that houſe are here—now do you mean to ſay that you four came into that houſe, and ſat in the box No. 2.?—*A.* Yes; I ſat down underneath the number.

Q. The murder did not happen till twelve o'clock at night?—*A.* It was not gone twelve.

Q. Are you ſure that this inſtrument, with which he was ſtabbed, came out of a ſtick?—*A.* Yes; and he jabbed at him directly.

Q. Then he held one end of the ſtick?—*A.* Yes;

the

the knife part was very picked at the point, and got very thick towards the top.

Q. You ſcreamed out murder three or four times?—*A.* Yes.

Q. And you ſtaid till the watchman came up?—*A.* Yes.

Q. Are you ſure of that?—*A.* Yes; becauſe, after the third jab, he threw the ſtick towards the watchman's feet, and the watchman tried to pick up the ſtick inſtead of going after the man.

Q. Do you think the watchman was as near to the priſoner as I am to you?—*A.* I cannot ſay.

Q. What became of you after this?—*A.* I was almoſt ready to ſwoon away with the fright, and I walked away; when I came to myſelf, I found myſelf in Holborn.

Q. Did you go after the watchman to enquire what had happened?—*A.* I did not till Monday morning; I went to Mrs. Welſh in the morning.

Q. Did you that night enquire what was become of the body?—*A.* No.

Q. Did the watchman ſay nothing to you upon coming up, and your crying murder?—*A.* No.

Q. You told this ſtory to the gentlemen of the Coroner's Jury?—*A.* Yes; I attended the Jury on Wedneſday night; I was at Bow-ſtreet on Wedneſday morning.

Q. Do you recollect the gentlemen of the Jury telling you to your face, that they did not believe a word you ſaid?—*A.* I cannot juſtly ſay.

Q. Before you were taken before the Coroner's Jury, this man was taken up, was not he?—*A.* He was taken up about twelve o'clock on Monday, I cannot juſtly ſay.

Q. You were before the Coroner's Jury, and charged this man with the murder, after he was taken up, did you not?—*A.* No; on Tueſday morning I went before Mr. Addington, to his own houſe, and had a private examination.

Q. Did you go and give evidence before the Coroner's Jury after this man was taken into cuſtody?—*A.* I do not underſtand you.

Q. Do you remember giving your account before the gentlemen that ſat on the body?—*A.* That was in the evening.

Q. After this man was in cuſtody?—*A.* Yes.

Q. And then you poſitively ſwore he was the man that committed the murder?—*A.* I am poſitive, and was then, that he is the man.

Q. You poſitively ſwore, before the Coroner's Jury, that he was the man that committed the murder?—*A.* Yes.

Q. Are you ſure the man had a blue coat on?—*A.* Yes.

Q. Perhaps the ſame kind of colouted coat that he has on now?—*A.* No, it was a bluer coat; a very good tidy decent coat; every thing has been found ſince but the waiſtcoat; he had on a red waiſtcoat.

WILLIAM BACON *ſworn.*—I was at the apprehending of the priſoner, and ſearched his houſe; I found a blue coat and a hat, on Wedneſday, the 6th of June.

Q. How do you know they were his?—*A.* I found them in the room where he ſlept, and he owned them at Bow-ſtreet. Here is a dagger that came from St. Giles's watch-houſe, *(producing it)*: I received it from a ſervant of Mr. Romley, the watch houſe-keeper, on the Monday, I think; I am not clear to the day.

Q. Where were the priſoner's lodgings?—*A.* In Dudley-court, Denmark-ſtreet, St. Giles's.

Q. *(To Pearce)*. Look at that dagger, is that the kind of thing that you have deſcribed?—*A.* No, it was a kind of a cane.

Q. Had it that guard round it, that kind of circle?—*A.* No, it was no ſuch like thing as this at all.

——— HEALEY *ſworn.*—I knew the deceaſed for twelve years paſt; I ſaw him on the 3d of June, the Sunday he came to my apartments, about ſix o'clock in the evening, in George-court, Piccadilly, he had a blue coat on and a ſwanſdown waiſtcoat; I think ſo, I am not particular; I was in his company from ſix till within a few minutes of eleven o'clock at night; I left him in Wild-ſtreet, in a public-houſe called the Black Horſe.

Q. Who did you leave with him?—*A.* I left him with a countryman of his own, a ſchoolfellow of his, named Neville, and another gentleman that he called Doctor; Neville was dreſſed in a blue coat, the Doctor was dreſſed like a gentleman in every reſpect, in a blue coat.

Q. How near eleven was it when you left him?—*A.* When I got into Little Ruſſell-place, I aſked the watchman what it was o'clock, and he ſaid, he was juſt going to cry eleven; I walked very ſmart, to the beſt of my belief, I was not more than five minutes; that is nearly oppoſite Drury-lane play-houſe.

Q. Did you ſee this man after his death?—*A.* I did, on the Thurſday following, at St. Giles's work-houſe.

Q. What had happened to him to cauſe his death?—*A.* It appeared to me that he had been ſtabbed with ſome very deſperate weapon, but no one could go cloſe to him at that time that I ſaw him.

Q. Was

Q. Was the priſoner at this Black Horſe?—*A.* I never ſaw the priſoner till I ſaw him at Bow-ſtreet.

Q. What ſort of a perſon was the deceaſed?—*A.* Of the two, my Lord, I am rather taller than the deceaſed. *(The witneſs was a ſhort man).* I went a ſecond time to ſee to get him away, becauſe he was in liquor, and I could not get him away.

Q. What was his complexion?—*A.* He was of a ſallow complexion, quite ſun burnt.

Croſs examined by Mr. Knowlys. Q. You have known him for twelve years?—*A.* He and I were very intimate ſeven years in Dublin; we had been in partnerſhip in buſineſs.

Q. You were with him from ſix till within five minutes of eleven?—*A.* Yes, I was with him from eight o'clock till near eleven, without ever ſtirring out.

Q. Were you ever at the Cock and Magpye, in Drury-lane?—*A.* I never ſaw ſuch a houſe to my knowledge, I was not there that evening.

Q. Did you, in the courſe of that evening, ſee the woman that has juſt given evidence?—*A.* No. From ſix in the evening, he never opened his lips to a woman; the deceaſed had come from Ireland that day, with a wife and two children, between four and five in the evening, he called upon me directly.

Q. Are you ſure he never picked up any woman before you left him?—*A.* He never ſpoke to any woman of any kind.

Q. *(To Pearce.)* Did you ever ſee this man after his death?—*A.* On the Monday, I ſaw him at St. Giles's work-houſe.

Q. Are you ſure that was the body of the man that was with you?—*A.* I am poſitive he was the man that was in my company all the evening, and I am ſure the priſoner at the bar is the man that ſtabbed him; I was very deſirous of going to ſee the body, to know whether it was the ſame man or not, and I am poſitive he was the man that I had been with the night before.

FRANCIS SCOTT *ſworn.*—I am a watchman: On Sunday, the 3d of June, I was alarmed by a ſcreaming, I was at the corner of a baker's window in Great Wild-ſtreet, it might want five or ten minutes of twelve at night, I heard a man's voice call out, watch, ſtop that man.

Q. How far was that baker's ſhop from the corner of Queen-ſtreet?—*A.* It was about the middle of the ſtreet; I turned my head round, and ſaw a man going into Wild-court, that turns to the Mews; I went down Little Wild-ſtreet, which leads into the ſame Mews, and in going down Wild-ſtreet, he paſſed by me by the Black-horſe Livery-ſtables; as ſoon as I perceived him, I ſprung my rattle, and purſued him into the King's-head-yard, leading into Duke-ſtreet, I ſprung my rattle there, and in going along the middle of King's-head-yard, I heard ſomething fall like a piece of glaſs or a knife falling, it rung upon the ſtones.

Q. Is that yard a thoroughfare?—*A.* Yes, three; one goes into Duke-ſtreet, facing the Roman-Catholic chapel, and another into the yard that goes into Great Queen-ſtreet. When I got into Duke-ſtreet, I loſt ſight of him; he was a tall thin man, dreſſed in a light coloured coat, white waiſtcoat, white breeches, and white ſtockings; when I found that I had loſt the man, I returned back into King's-head-yard, and curioſity led me to look what it was that made ſuch a noiſe; I opened the door of my lanthorn, and to my great ſurpriſe, I picked up the fatal inſtrument, with the blade of it all over blood.

Q. Look at that inſtrument?—*A.* This is the ſame. I immediately carried it to St. Giles's watch-houſe, and left it there. In going along, after I had found the inſtrument, when I came to the pump, there was a great noiſe of rattles; I went up with this inſtrument in my hand, and there I beheld the deceaſed lying upon the ground, at the corner of Prince's court, Drury-lane, almoſt oppoſite Broad-court.

Q. How far from Queen-ſtreet?—*A.* About one hundred yards.

Q. Did you hear any woman's voice crying ſtop that man?—*A.* No, it was a man's voice; and what alarmed me the more, was, that nobody came to my aſſiſtance.

Croſs examined by Mr. Knowlys. Q. Are you ſure the man that you purſued had light coloured clothes on?—*A.* Yes; ſomething like the colour of whited brown paper.

Q. It was not a dark blue?—*A.* No; if it had been a dark colour, I could not have diſtinguiſhed it.

Court. Q. Were there many people about the body?—*A.* I ſuppoſe there were about ten people, watchmen and all.

PATRICK SHEHAN *ſworn.*—The priſoner and I lodged and ſlept together: I ſaw the priſoner on Sunday morning, before eight o'clock; I called between three and four in the afternoon, and he was in bed again, I did not diſturb him nor ſpeak to him; about a quarter of an hour or ten minutes before eleven at night, I went into bed, and he was then in bed, and remained there till ſix o'clock next morning; when I awaked in the morning, he was in bed with me.

Q. Where

Q. Where were you all that time?—*A.* Walking backwards and forwards ſmoking my pipe, and talking to my neighbours. I went in for a pair of ſtockings between nine and ten, and he was then in bed.

Q. Were you not abſent from the court all the time?—*A.* Yes, about ten minutes, while I was drinking part of a pint of beer at a public-houſe, with a friend of the name of William Doyle, that came from Weſtminſter to ſee me.

Q. Can you ſay, upon your oath, that it was not ten minutes or a quarter of an hour before twelve?—*A.* Yes, I am ſure it was not; I know it was before eleven, I had heard the clock ſtrike ten in the houſe, while I was ſitting with my landlady; we are not above one hundred yards from the church clock.

Q. And you did not hear it ſtrike eleven before you went to bed?—*A.* No, I did not.

Croſs-examined by Mr. Knowlys. Q. You ſaw him in bed between nine and ten?—*A.* Yes; he was ill all the day, and Nelly, the ſervant, gave him ſome bread and milk for ſupper. Nelly is here.

Evan Mason *ſworn.*—I am a watchman, I ſtand at the corner of Long-acre, about ſixty-four or ſixty-ſix yards from Princes-court: On the Sunday night that the man was murdered, I heard watch called about a quarter before twelve o'clock.

Q. Did you hear murder ſcreamed out?—*A.* No, not at all; I went over to Prince's-court, and there was a man lay on the ground, and two gentlemen beſide him; one gentleman ſaid, there is a man killed, or a man killed himſelf, I do not know which.

Q. What became of the man afterwards?—*A.* The gentlemen had hold of him, and I took off his neckcloth; I went to ſeek for a doctor, but could not get one, ſomebody elſe got a doctor.

Q. Did you hear any ſuch cry as this, ſtop that man?—*A.* No, I did not.

Q. Or watch, watch, ſtop that man?—*A.* No; I heard watch called.

Q. What were you about?—*A.* I was in my box.

Croſs-examined by Mr. Knowlys. Q. How many yards is it from your box to the middle of the road, oppoſite Queen-ſtreet?—*A.* I ſhould ſuppoſe about twenty yards at the utmoſt.

Q. If any woman had cried out murder, you muſt have heard it?—*A.* Yes; the body was above ſixty yards from the middle of the ſtreet.

Q. Then it is more than ſixty yards from the pump in Queen-ſtreet?—*A.* Yes.

Q. Have you ſeen either of thoſe gentlemen ſince?—*A.* I have ſeen one of them ſince; but I do not know that I ſhould know him.

Q. *(To Scott.)* Do you know what became of the body afterwards?—*A.* I ſaw the body carried in a ſhell to the workhouſe, from the corner of Prince's-court.

Frederick Williams *ſworn.*—On the third of June, as near as I can gueſs, about half paſt eleven o'clock, I was coming down Drury-lane, I had juſt walked up Drury-lane before, from Clement's-inn, with a friend, we walked up the ſame ſide of Drury lane, on which the man was murdered.

Q. Had you paſſed Prince's-court with your friend?—*A.* Yes, and turned into Long-acre; when he turned into Long-acre, I walked further on up Drury-lane, not ſo far as Broad-ſtreet, Bloomſbury, but pretty near as far as Broad-ſtreet; I then turned round and walked back, meaning to go to Clement's-inn, and as I was going along, I ſtumbled over ſomething, I looked down, and ſaw a man lying on the pavement.

Q. What length of time was there between your firſt paſſing Prince's-court, and the time when you ſtumbled?—*A.* I do not think it could be five minutes.

Q. Can you ſay whether, when you paſſed Prince's-court firſt, that body was lying there?—*A.* No, it was not lying there.

Q. Had you heard any cry of watch, or murder?—*A.* As I was coming down Drury-lane, I heard a rattle ſpring, but it ſeemed at a diſtance, and towards Bloomſbury, but I heard no cry.

Q. *(To Scott.)* Did you ſee any woman near the place when you went with the body?—*A.* No, I ſaw no woman there.

Q. Was it very dark?—*A.* It was dark, and the ſtreets were very quiet.

Court. Gentlemen, I have been thinking of this caſe, and I really think, in a caſe in which there appears ſo much doubt, you would not be warranted in finding the priſoner guilty; if you wiſh to hear the reſt of the evidence, we will go on.

The Jury immediately pronounced a verdict of

Not Guilty.

(The priſoner then applied for a copy of his indictment, which the Court refuſed to grant.)

Tried by the firſt Middleſex Jury, before
Mr. Juſtice Lawrence.

456. MARY-ANN WINTER, otherwiſe STONE, was indicted for the wilful murder of Abraham Winter.

She ſtood likewiſe charged with the like murder upon the Coroner's Inquiſition.

ELIZABETH ERNSBY *ſworn.*—*Q.* Did you know Abraham Winter?—*A.* Yes.

Q. Do you know the priſoner at the bar?—*A.* Yes. On Saturday the 3d of June, I was at the Royal-oak, in Whitechapel-road; my huſband and I had been out to ſpend the evening, it was about half-paſt twelve o'clock when we entered the houſe; we enquired at the bar for a perſon we wanted, and he was not there; my huſband ſaid, we will go backwards into the parlour, and ſee if he is there; we went in, and there ſat the priſoner at the bar, and the deceaſed.

Q. Did they appear to be ſetting on good terms or bad?—*A.* I cannot ſay, ſhe came out, and I came out with her; we went about thirty yards down Whitechapel-road, and ſhe cried to me upon the ill uſage he gave her; I ſaid, I would not ſtay with him; ſhe then ſaid, ſhe would not ſtay with him, that on Friday evening, he came and uſed her very ill, broke and deſtroyed all ſhe had in her place; ſhe ſhewed me her left hand, it was very much ſwelled, and ſhe ſaid, that was through the ill uſage ſhe had had on Friday evening.

Q. Were her arms black?—*A.* I do not know, ſhe did not ſhew me her arms; we then returned to the houſe, and the priſoner and I had a glaſs of brandy each, at the bar, and a piece of bread, and then my huſband and the deceaſed came out together with a pot of beer; my huſband, and I, and the deceaſed, and the priſoner, all ſat down together in a box, the deceaſed and the priſoner began to quarrel immediately after they ſat down.

Q. Were they man and wife, or did they only live together?—*A.* I did not know but what they were man and wife, till after the examination before the Magiſtrate.

Q. Do you know how long they had lived together?—*A.* I look upon it, about two years; my huſband ſaid, what you have got to ſay, ſay at home, do not ſay it in a public-houſe.

Q. What did he ſay to her?—*A.* He d—d her eyes and called her a b—h.

Q. Did he charge her with any thing?—*A.* Not that I heard at that time; then he ſtruck her in the face with his hands clenched; I made anſwer, and ſaid, do not uſe the woman ill, for I know to my certain knowledge that ſhe has been a wife to you, and a mother to your child, and then he ſtruck her again; I called him a blackguard, upon that he ſtruck me, and ſent me almoſt the length of the ſettle, and then I threw the pot at him; and my huſband ſaid, do not ſtrike her, I have had her ten years, and never ſtruck her in my life, and you have no buſineſs to ſtrike her; then he called me a w——e, and I ſaid, I was none; he ſaid, he was not the firſt Jew I had had.

Q. What was the deceaſed?—*A.* A painter and glazier.

Q. Was he a Jew too?—*A.* Yes; and then he called me w—e again, and we made a laugh at it, and we all ſat down again; then they got to words again, and he ſaid to her, I will make a ſmall one of you; upon that, he took her by the left hand, and twiſted her arm round, and fell a beating of her, then ſhe took her arm from her right ſide, and made a blow at him, I thought with that it was with her hand, but preſently after, he ſays, you have got a knife, he opened his breaſt, and the blood iſſued out; my huſband ſaid, let us be out of this, and then we went away.

JUDAH ISRAEL *ſworn.*—The priſoner was dead before I ſaw him at the hoſpital; he had a wound in the right ſhoulder, which had wounded the auxilary artery, and perforated the lungs.

Q. *(To Ernſby.)* Which hand was it that ſhe ſaid he had hurt?—*A.* The left arm.

Q. Was that the arm that he twiſted?—*A.* Yes.

GUILTY of manſlaughter.

Confined one month in Newgate, and fined 1s.

Tried by the firſt Middleſex Jury, before Mr. Juſtice BULLER.

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457. JOHN GILBERT was indicted for that he, on the 7th of June, forty-two pieces of falſe and counterfeit milled money, counterfeited to the likeneſs of a good ſhilling, the ſame not being cut in pieces, unlawfully and felonioufly did put off to William Houghton, at a lower rate and value than the ſame did import, and were counterfeited for, that is to ſay for one guinea.

(The caſe was opened by Mr. Ward.)

WILLIAM HOUGHTON *ſworn.—Examined by Mr. Ward.* I have known the priſoner ever ſince laſt May: On Thurſday the 7th of June, between five and ſix o'clock in the evening, I and Marſden the officer met the priſoner at the bar, in Fleet-market; he ſaid, Houghton, who is this man with you? I ſaid, a friend of mine; upon that I told him, I was going to different places with an EO table, and I ſhould want a vaſt deal; I told him that Marſden was the man that was to work the table for me; we went into a public-houſe, and he

he brought out his money; he gave me forty-two pieces, and I gave him a guinea which had been marked by Marſden; it was paſt nine o'clock before we came from the Public-office; I went home to lock them up, and how it was I don't know, but I loſt ſeven of them before I got to the office.

Q. Had you any other counterfeit money about you, but that which you received from the priſoner?—*A.* I had neither copper, ſilver, or gold. *(Produces thirty-five ſhillings.)*

JOHN MARSDEN *ſworn.—Examined by Mr. Ward.* I am a Police-officer: I went to a public-houſe in Fleet-market, with the laſt witneſs, on the 7th of June, in the evening; before I went, I marked a guinea; when we were in the houſe, Houghton aſked me to lend him a guinea, upon which I picked out the marked guinea, which he gave the priſoner, and the priſoner gave him forty-two ſhillings, and counted them before me; Gilbert ſaid to me, you may as well have half a piece, I refuſed; then he ſaid, he had got a quarter of a piece, that I ſhould have for five ſhillings; I immediately took him into cuſtody, I ſearched him, and took ſome bad money from him, which I have here. *(Produces it.)*

Q. Look at theſe thirty-five pieces, and tell us if they are good ſhillings?—*A.* Theſe are all counterfeit.

Priſoner's defence. Houghton is a man of infamous character, he is a common informer, he ſaid, he ſhould paſs all thoſe to night, and he ſhould want ſome more to-morrow; accordingly, the next day, he wanted Marſden to let him have ſeven more to make up the number, for he had paſſed ſeven of them.

Marſden. Houghton aſked me to let him have ſeven of mine, to make up the number, as he had loſt ſeven, and I told him I ſhould do no ſuch thing.

GUILTY (Aged 58.)

Tried by the London Jury, before
Mr. Juſtice BULLER.

The following day, the priſoner was brought up again.

Mr. Shelton. You ſtand convicted of felony, what have you to ſay for yourſelf, why you ſhould not receive judgment, to die according to law?

Priſoner. I pray the benefit of the ſtatute.

(Mr. Ward, Counſel for the proſecution, put in a plea, ſtating, that the priſoner was not entitled to benefit of clergy, becauſe he had been before convicted, which was read by Mr. Shelton.)

Mr. Juſtice Buller. Priſoner, what you have heard juſt now read is an allegation that you have been previouſly convicted, about two years ago, of another offence, of uttering copper money for leſs than it imported to be worth, and that if you were ſo, you are not entitled to the benefit of clergy; what have you to ſay in anſwer to that charge, of having been ſo convicted two years ago of another offence, namely, that of uttering copper for leſs than it imported to be worth?

Priſoner. I thought it was not a capital offence the ſecond time.

Mr. Juſtice Buller. *Q.* Were you convicted two years ago of that offence?

Priſoner. It was only three papers of half-pence, I did not ſell them to the man—I was cruelly uſed.

Mr. Juſtice Buller. Do you admit that you are the man that was then convicted—you may ſay, you were, or you may ſay you were not.

Priſoner. I leave it to your Lordſhip.

Mr. Juſtice Buller. You cannot leave it to me—were you or not convicted two years ago of putting off bad halfpence, at a leſs price than they imported to be worth?

Priſoner. No, it was my brother, I believe.

Mr. Juſtice Buller. Then they muſt prove that you are the man.

The Jury ſworn.

(Mr. Shelton produced the record of the priſoner's conviction, which was read.)

JOHN WRAY *ſworn.*—I am an officer belonging to Worſhip-ſtreet office; I know the priſoner Gilbert perfectly well.

Q. Do you remember his being tried in December 1795?—*A.* Yes.

Q. Is the priſoner the man that was then tried?—*A.* The identical man.

Q. What was he tried for?—*A.* Putting off bad money.

Q. Was he convicted?—*A.* He was convicted.

Priſoner. He may ſay what he will, it was not me.

Mr. Juſtice Buller. Gentlemen of the Jury, the only queſtion for you to try is, whether this man is the ſame perſon, who was convicted in December, 1795, for putting off bad copper. The record of conviction has been read to you, by which you ſee John Gilbert and Ann Gilbert were tried here for the offence of putting off bad copper. Then the queſtion is, whether the priſoner at the bar is the man who was ſo convicted, and John Wray is called, who tells you, that he is the man.

Jury.

Jury. We find that he is the ſame perſon.

Mr. Juſtice Buller. Priſoner, the offence of which you have been convicted here, during this ſeſſion, is that of putting off to one William Houghton, forty-two pieces of counterfeit milled money, to the likeneſs of a ſhilling, not being cut in pieces, and which you put off at a lower rate than they imported to be worth, that is to ſay, theſe forty-two counterfeit ſhillings, for the ſum of one guinea, which is juſt half what they would have been worth, if they had been genuine pieces of money. As to what you ſaid ſometime ago, that the offence of which you have now been convicted is not a capital offence; if it had reſted by itſelf, and there had been no former bad conduct on your part, amounting to a felony, it would have been, as you ſuppoſe, it would not have been a capital offence; but our anceſters have very wiſely, for the public, provided, that men ſhall not be permitted to offend, from time to time, and be allowed the indulgence of what is called, a clergy, when they are called up to ſay whether they have any thing to alledge againſt a ſentence of death being paſſed upon them in a caſe of felony. It is now a great many years ago, as far back as the reign of Henry VII. when the legiſlature, in conſidering this queſtion, I think wiſely concluded, that any man, who had once had the benefit of clergy allowed to him, ſhould not, for any future crime, be entitled to that benefit. If a man had been convicted of a felony, and was entitled to his clergy, that proceeded wholly from the lenity, and from the mercy of the law of this land; that lenity was founded upon the idea, or at leaſt the hope, that the man who had been convicted of a felony, might ſee the extent of his guilt which he had committed, that he might repent, and might afterwards become a uſeful member of ſociety; but they were ſatisfied, that as men were ſo hardened in their diſpoſitions, that by their future conduct, they proved to the world, that they were unworthy of the mercy that had been ſhewn to them; it ſhould not be extended to a ſecond crime, and therefore, at the time I mentioned to you, the legiſlature provided, that no man, who had once had his clergy, ſhould have it again; perhaps, in making that proviſion, they rightly attended to the intereſts of the public at large—we do find, from the records of caſes which have paſſed in the Courts of Juſtice of this country, that in the laſt century it hardly ever happened, that a man, who was convicted of a ſecond felony, was ſuffered to paſs without undergoing the execution of that judgment, which it is my duty to pronounce upon you—perhaps the practice of that time might be more beneficial to the public than that which has prevailed in later times—undoubtedly, we do find, that at the period when that rule was attended to felonies, bore no proportion to what they do in the preſent day. If the lenity of Courts of Juſtice has contributed to the multiplication of crimes, it is much to be lamented. It has been the practice, not only of this Court, but of all criminal Courts, to look with an eye of compaſſion upon the caſe of the priſoners who are tried; and if any circumſtances can be found, which, in any degree, will juſtify a Court, in interpoſing in favour of a priſoner, and in leſſening that ſhare of puniſhment which belonged to his crimes, the Courts have moſt readily interfered; and I am afraid, that in many inſtances, they have done it beyond what the intereſt and welfare of the public would warrant. But when we come to the caſe of ſecond offences, the hands of Courts are conſiderably tied down; for, by the ſtatute that I have ſtated, the legiſlature has provided, that in caſes which otherwiſe would not be liable to the puniſhment of death, if they come before the Court as a ſecond offence, if it be proved that the priſoner, guilty of that offence, has previouſly committed another, for which he has been allowed his clergy, that ſhall not be allowed again, and if the clergy be not allowed, nothing remains, but the Court is bound to paſs judgment. There is no caſe in which, by the laws of this country, our moſt gracious Sovereign, from whom mercy flows, may not, if he thinks fit, in his wiſdom, relax the rigour of the law; but if it be eſtabliſhed in this place, that an offender, ſtanding at this bar, has been already allowed his clergy for a former felony, the law ſays, that for a ſecond felony, on conviction, he is liable to ſuffer death, and therefore, in the ſituation in which you ſtand, it is the bounden duty of the Court to paſs that ſentence upon you, which is, that you be taken from hence, to the place from whence you came, that from thence you be carried to the place of execution, there to be hanged by the neck until you are dead—and may God Almighty have mercy on your ſoul.

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458. THOMAS BURKE was indicted for feloniouſly ſtealing, on the 28th of May, three ſhillings, the property of John Horton.

JOHN HORTON *ſworn.*—I live in Peter-ſtreet, Weſtminſter: On the 28th of May, I went down into the cellar to get up ſome wood, and when I came up again I ſaw the priſoner at my till; I laid hold of him, and took three-pence halfpenny out of his hand, all my ſilver was gone that I had taken in the courſe of the day, I think there was about three ſhillings, or three ſhillings and ſixpence, and a great quantity of halfpence; I had looked in the till about an hour or two before.

Priſoner's

Priſoner's defence. I had been receiving my pay along with a witneſs who is here, and we went into a houſe for ſome porter, and I went out to get ſome bread and cheeſe; I went into the proſecutor's ſhop with three-pence halfpenny in my hand, there was nobody in the ſhop, and I was looking about for ſomebody, when this gentleman came up, and ſaid I was robbing his till.

For the Priſoner.

PHILIP WOOM *ſworn.*—I was paid five ſhillings and ſixpence along with the priſoner; he had a very remarkable half-crown, and I aſked him if it was a dollar, and he ſaid no; we went to the Black-lion together, and then he went out to get ſome bread and cheeſe.

Q. (To Horton.) How much money did you find upon him?—*A.* About five ſhillings.

Jury. Q. Was the till open?—*A.* Half open.

NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. Juſtice BULLER.

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459. JAMES M'NELL and GEORGE CLARKE were indicted for breaking and entering the dwelling-houſe of James Maclaurin, about the hour of four in the afternoon of the 3d of June, no perſon being therein, and ſtealing ſix ſilver tea-ſpoons, value 1l. 6s. 6d. a pair of ſilver ſugar-tongs, value 8s. 6d. a pair of ſilver ſhoe-buckles, value 1l. 6s. a pair of ſhoe-latchets, value 12s. a ſilk cloak, value 3l. 3s. two gowns, value 2l. 10s. and two petticoats, value 20s. the property of the ſaid James; five linen ſhirts, value 1l. 5s. and two pair of ſilk ſtockings, value 3s. the property of John Duff; and two guineas in money, the property of John Young.

JAMES MACLAURIN *ſworn.*—I live at No. 6, Featherſtone-buildings, London-wall: I went out on the 3d of June, and left my brother in the houſe.

JOHN MACLAURIN *ſworn.*—I went out after my brother, I left nobody in the houſe, I returned about a quarter paſt four; when I came to the door I found it half way open.

Q. Were there any marks of violence upon the door?—*A.* None at all; I went up ſtairs, and found the cheſts of drawers all ſcattered about; and then I went up to the next room above ſtairs, and found all the boxes in the room with the locks broke, and all the things ſcattered about.

Q. Do you know any thing of the priſoners?—*A.* No; I never ſaw them till I ſaw them in cuſtody.

Q. *(To James Maclaurin).* When you came home did you go up ſtairs?—*A.* Yes; I found a cheſt of drawers, the locks had been broke, and ſprung open; I went to a cupboard up one pair of ſtairs, and miſſed ſix ſilver tea-ſpoons that I had uſed at breakfaſt that morning, and a pair of ſilver ſugar-tongs; I went up to my own box, and miſſed a pair of ſilver ſhoe-buckles, and a pair of ſilver ſhoe latchets; there was a ſilk cloak I miſſed out of my wife's box; but I do not know ſo well about her things, and ſhe is not here.

Q. Is Duff here?—*A.* No, nor Young.

Q. Have you ever ſeen them ſince?—*A.* No, I have not; I had given one pound ſix ſhillings and ſixpence for the ſpoons, a very ſhort time before, eight ſhillings and ſixpence for the ſugar-tongs, one pound ſix ſhillings for the buckles, and twelve ſhillings for the latchets.

Q. What reaſon have you to ſuſpect the priſoners?—*A.* I went to my next door neighbour, and got information from Maria Wheatley.

MARIA WHEATLEY *ſworn.*—I live next door to Mr. Maclaurin: On Sunday the 3d of June laſt, about half paſt three o'clock, I was looking out at the window, and ſaw a man in a brown coat ſtanding by Mr. Maclaurin's door, looking about him for ſome time, till a man in a green coat came up and took hold of his collar; the man in brown, which was the priſoner Clarke, looked very hard at me; I then went up ſtairs, and ſaw the ſame man, Clarke, knock twice at Mr. Maclaurin's door; then he looked round, and not ſeeing anybody, he ſtooped down to the key-hole, but I did not ſee him put any key in, I ſaw him open the door, and go in; and after that, I ſaw the man in green run up the ſteps, go in, and ſhut the door.

Q. Who was the man in green?—*A.* I do not know, I did not ſee his face at all; my mother called me down ſtairs, and I ſaw no more of them, nor thought any more about it.

Croſs-examined by Mr. Gurney. Q. Had you ever ſeen the man before that you ſuppoſe was Clarke?—*A.* No.

Q. How ſoon after that did you ſee the perſon that now ſtands at the bar?—*A.* On the Tueſday after.

Q. Then he was taken up?—*A.* Yes.

Q. You ſaw him in cuſtody?—*A.* Yes.

Q. Was any body in cuſtody with him?—*A.* Yes, the other priſoner.

Q. You went there expecting to find one of the perſons who had robbed Mr. Maclaurin's houſe?—*A.* Yes.

Q. And

Q. And then you thought he was one of the perſons?—*A.* Yes.

Q. You did not ſee him break the door open?—*A.* No.

Q. He went in at once?—*A.* Yes; I had deſcribed him to the officers before he was taken up.

Court. Q. And in conſequence of your deſcription he was taken up?—*A.* Yes.

SUSANNAH COLLINS *ſworn.*—On the Sunday after Whitſunday, the 3d of June, at half paſt three o'clock, I went to my own door, two houſes from Mr. Maclaurin's; as I was ſtanding for a little air, I ſaw a man in a green coat; after ſome time, a young man in brown came and ſpoke to him.

Q. Do you know the man in green?—*A.* Yes, the priſoner M'Nell; I did not ſee them go into the houſe.

Mr. Gurney. Q. Where this man came from, or where he went, you do not know?—*A.* No.

WILLIAM BLACKITER *ſworn.*—I am an officer: I went to the priſoner Clarke's lodgings, in Cow-heel-alley, Golden-lane, on the 6th of June, in company with other officers; we ſearched the houſe, but found nothing in the houſe except a broken crow, a large gimblet, and a falſe key for taking impreſſions off, there is ſome wax upon it; now his wife's ſiſter lived in the houſe too; it was a deplorable place to ſee.

Q. Were theſe things in the apartment in which you found him?—*A.* Yes, in a cloſet under the ſtairs.

Q. Did you take him up in conſequence of the deſcription Maria Wheatley had given of him?—*A.* Yes.

Croſs-examined by Mr. Gurney. Q. They were lying in a concealed ſtate?—*A.* Yes.

Q. So that they might have been lying there and perſons in the houſe not know any thing of it?—*A.* They might; I was obliged to put my arm a great way under to find them.

JOHN WRAY *ſworn.*—I was with Blackiter, and ſearched the apartments of Clarke; I alſo ſearched the apartments of the other priſoner in St. John's-ſtreet, but found nothing but a phoſphorous bottle; he was in bed.

Blackiter. I forgot to mention to your Lordſhip, that this crow I took to the proſecutor's houſe, and compared it with the marks of violence on the drawers, and they correſponded.

Mr. Gurney. Q. Do you not know that that is the moſt common ſized crow that can be met with?—*A.* Yes.

Q. Do you not know that there are hundreds ſuch to be found?—*A.* Yes.

Court. Q. Are theſe crows a thing which people make uſe of in a regular trade, or buſineſs?—*A.* Never any but thieves make uſe of them.

RICHARD FERRIS *ſworn.*—I know no more than the other officers.

M'Nell's defence. I am entirely innocent of the charge.

Clarke's defence. I went to dine with my uncle at Iſlington, at one o'clock; from thence I returned home about half paſt four o'clock; I am entirely innocent of what is alledged againſt me.

M'Nell, GUILTY **Death.** (Aged 28.)
Clarke, GUILTY **Death.** (Aged 25.)

Tried by the London Jury, before Mr. Juſtice LAWRENCE.

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460. JOHN COOK was indicted for feloniouſly ſtealing, on the 25th of May, a deal box, with an iron lock, value 3s. a guinea, and a half-crown, the property of Sarah Newell.

The proſecutrix was called, but not appearing, her recognizance was ordered to be eſtreated.

NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. Juſtice BULLER.

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461. WILLIAM WILSON was indicted for feloniouſly ſtealing, on the 6th of July, a ſilk handkerchief, value 14d. the property of Stephen Kemſley.

STEPHEN KEMSLEY *ſworn.*—About half paſt twelve o'clock, this day, as I was paſſing from Hyde-park to the Green-park, juſt at the gate-way, going to Conſtitution-hill, a perſon told me, my pocked was picked of my handkerchief, I miſſed it immediately from my right hand pocket, it was a ſilk handkerchief.

WILLIAM BIRD *ſworn.*—I was in Hyde-park this morning, and ſaw the priſoner behind the proſecutor, attempting ſeveral times to put his hand in his pocket; he followed the proſecutor out of Hyde-park, acroſs Piccadilly, and juſt at the entrance of the gate, into the Green park, he ruſhed cloſe up to him, and I ſaw him pull his handkerchief out, I immediately ſeized him round the waiſt with the handkerchief in his hand, and we both fell together; then he begged I would not hurt him, I told him I would not; I called a friend who was with me to pick up the handkerchief which he had thrown out of his hand, which he did, he then called

called Mr. Kemſley back, I have had the handkerchief ever ſince.

—— BEDDOWES *ſworn.*—I was with the laſt witneſs; we obſerved the priſoner in Hyde-park ſeveral times trying to pick the proſecutor's pocket; he followed him over to the Green-park gate, we followed them, and I ſaw the priſoner put his hand into Mr. Kemſley's pocket, and take ſomething out, but I cannot ſwear that it was a handkerchief; I picked a handkerchief up almoſt immediately, and Mr. Kemſley ſaid, it was his.

Mr. Kemſley. I gave the handkerchief that I received from Beddowes to Bird. *(Bird produces the handkerchief).*

Mr. Kemſley. This is my handkerchief.

Priſoner's defence. There was a horſe prancing and making a great diſturbance among the people, and that gentleman took me round the waiſt and threw me down, and then that other man picked up a handkerchief, I knew nothing at all about it.

GUILTY (Aged 25.)

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury, before Mr. Juſtice LAWRENCE.

MISDEMEANORS.

462. JOSEPH SMITH was indicted for obtaining goods under falſe pretences.

WILLIAM WEST *ſworn*.—I am a leather-ſeller, in Bride-lane, Fleet-ſtreet, in partnerſhip with Elizabeth Avery, widow.

Q. Do you know the priſoner at the bar?—*A*. I did not know him before this tranſaction; he came to my houſe on the 6th of June, and told me he wanted ſome morocco ſkins for Mr. Jackſon, upholſterer, of Jewin-ſtreet, for chair ſeats; I aſked him, if he had a written order, he ſaid, no; I then aſked him, if he knew Mr. Lamb, clerk to Mr. Jackſon; he ſaid, he knew Mr. Lamb, that he had left Mr. Jackſon, and kept a ſhop in Jewin-ſtreet; he ſaid his name was Simpſon; I let him have ſix morocco ſkins.

Q. Was Mr. Jackſon a cuſtomer of your's?—*A*. Yes.

Q. If he had not ſaid he came from Mr. Jackſon, ſhould you have let him have them?—*A*. No; he came a ſecond time, and I took him up.

Q. What is the value of theſe ſkins?—*A*. Two pounds eighteen ſhillings, he had a bill of parcels with them.

JOSEPH JACKSON *ſworn*.—Q. Are you a cuſtomer of Mr. Weſt's?—*A*. A little cuſtomer.

Q. Did you ever ſend for goods to his houſe?—*A*. No; I do not know that I ever did, upon any occaſion; if I wanted any thing, I always order it myſelf: Mr. Weſt never ſold me any thing but nine green morocco ſkins, about two months ago.

Q. On the 6th of June, did you ſend to him for any ſkins?—*A*. No.

Q. Did you ſend the priſoner for any ſkins?—*A*. Never in my life; he worked for me about three years ago as an upholſterer.

The priſoner left his defence to the Court.

GUILTY.

Tranſported for ſeven years.

Tried by the London Jury, before Mr. RECORDER.

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463. MARY DUKESON was indicted for receiving ſtolen goods.

THOMAS ELDRID *ſworn*.—I am a coach plater, London-Wall: On Monday the 28th of May, I had reaſon to ſuſpect that a ſervant girl, of the name of Mary Gover, had robbed me, I challenged her with it, and threatened to ſend for an officer, and then ſhe confeſſed ſhe had ſold the apron, the ſubject matter of this indictment, to a woman who ſold gingerbread, at the corner of Bedlam, for fourpence; in conſequence of that, I took the girl, and went to ſee for the woman, ſhe was not there; I went a ſecond time with the girl, and then ſhe was there; I told her, ſhe had got ſome of my property, ſhe looked confuſed, not knowing me, till ſhe ſaw the girl, and then ſhe immediately ſaid, yes, ſhe had; I then ſaid, you have got a muſlin apron; ſhe then ſaid, ſhe would give me all ſhe had to the value of a farthing; I told her to come along with me, and give them to me directly; ſhe ſaid,

ſaid, ſhe could not, her daughter was out, and ſhe had got the key; ſhe ſaid, her daughter might be two or three hours before ſhe came in; I ſaw an officer juſt by, and I gave her in charge to him; I then went to her room with the officer; I aſked her what ſhe had done with the apron, ſhe ſaid, it was pawned; I ſtaid in the room, and ſhe went with the officer to the pawnbroker's, and brought the apron to me in the room.

Q. It was entirely by her means that you recovered your property?—*A.* Yes.

MARY ELDRID *ſworn.*—I am the wife of Thomas Eldrid; I know this apron to be mine; I miſſed it firſt on Monday, the 28th of May.

Q. Was that the day your huſband went to the priſoner?—*A.* Yes; Mary Gover was my ſervant; I had charged her with taking it, and it was brought to me the ſame evening, about ſeven o'clock, by Mr. Cox, the conſtable; the apron is my own making, there is no mark upon it, it correſponds with one that I have to produce.

Q. Can you ſafely ſwear, that the apron, which the conſtable brought to you, is your apron?—*A.* Yes.

MARY GOVER *ſworn.*—I am ſervant to Mr. Eldrid: On Monday the 28th of May, Mr. Eldrid charged me with ſtealing a muſlin apron, and I owned to it; he ſaid, he would charge me with a conſtable if I did not own to it; I told him, I had ſold it for four-pence to a woman that ſold gingerbread.

Q. What did you ſay to the priſoner, when you ſold it to her?—*A.* I told her, I was a nurſery-maid to three children, and that my miſtreſs had given me this apron for myſelf; ſhe ſaid, as I was a nurſery-maid, if I had any other things to ſell, ſhe would be glad if I would bring them to her, as her daughter was ready to lay-in, I aſked her four-pence for the apron, and ſhe gave it me.

Q. Did you tell her truly where you lived?—*A.* Yes.

JOHN COX *ſworn.*—I am a conſtable of Broad-ſtreet Ward, *(produces a muſlin apron)*; the pawnbroker is not here; the priſoner went with me to the pawnbroker's, and I found it there, it was pawned for two ſhillings.

Mrs. Eldrid. This is my apron, I think two of them coſt me twelve ſhillings, I had not wore this.

Q. Do you think it would ſell for four ſhillings?—*A.* I cannot ſay, but I think it would.

Q. Is it worth more than four-pence?—*A.* Yes.

Priſoner's defence. I have ſat at the corner of Bedlam three and twenty years, I never was before a Juſtice in my life till now; the girl told me ſhe was a nurſery-maid, and her miſtreſs had given her that, and ſhe wanted to ſell it; ſhe aſked me two ſhillings for it, I had but a groat in the world, I gave her that, and ſhe was to come in the evening for the reſt, but I never ſaw her afterwards, till the gentleman came with her; I told him directly that I had got it, I pledged the apron to give her the reſt of the money.

Q. (To Gover.) Remember that you tell the truth, did ſhe give you but four-pence?—*A.* No more, and there was not a word about two ſhillings mentioned.

The priſoner called two witneſſes, who gave her a good character.

NOT GUILTY.

Tried by the London Jury, before Mr. RECORDER.

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464. MARY DUKESON was again indicted for receiving other ſtolen goods.

THOMAS ELDRID *ſworn.*—I live at No. 53, London-wall: On Monday, the 28th of May, I was robbed of the things contained in the indictment; I found it out in the manner I ſtated before; I gave the priſoner in charge of the officer, the corner of Bedlam; I got the information by means of the ſervant girl. I went, with the officer and the priſoner, to her lodgings, ſhe then produced out of the drawers, the things mentioned in the indictment, part out of one room, and part out of another; ſhe ſaid, thoſe were the things which ſhe had of the girl; in conſequence of that, ſhe went to the Compter. The things have been lodged ever ſince in the poſſeſſion of the officer. I have nothing further to ſay.

(Mary Eldrid was called, but her huſband ſaid, ſhe was ſo ill as not to be capable of attending).

MARY GOVER *ſworn.*—I am ſervant to Mr. Thomas Eldrid; I am thirteen years of age next September: I carried to the priſoner, three linen ſhirts, two muſlin caps, three linen caps, two cambric caps, a bit of ſilk, and a cambric frill of a ſhirt; ſhe gave me four-pence for the whole of them; ſhe ſaid, ſhe had not fourpence about her, but ſhe would go and borrow it, which ſhe did. I ſhould know the things again if I ſaw them. She did not aſk me who the things belonged to; ſhe knew I was the ſervant of Mr. Eldrid.

JOHN COX *ſworn.*—I am a conſtable; I produce three linen ſhirts, two muſlin caps, three linen caps, a bit of ſilk, and a cambric frill of a ſhirt.

Mary Gover. Thoſe three ſhirts are my maſter's.

Court. *Q.* Are they ſuch ſhirts as men wear?—*A.* They are infants' ſhirts.

Q. Are

Q. Are you ſure that is the property belonging to Mr. Eldrid?—*A.* Yes.

Q. Where did you get them?—*A.* Out of the drawers.

Q. *(To Mr. Eldrid).* Is this your property?—*A.* This ſhirt I can ſwear to, and that piece of ſilk, which is the fellow to what I have got in my pocket; I know the ſhirt by a broad hem at the bottom, I ſaw the fellow to it juſt before I came here. I believe the other things to be mine.

Priſoner's defence. My Lord, I have lived three-and-twenty years on one ſpot, in getting my living; I never was before a Magiſtrate in my life before; this girl came by, and aſked me if I would buy ſome rags, and in the rags which ſhe gave me to look at, there were three or four caps; I told her it was a pity to ſell the caps for rags, and ſhe gave them to me. The next day, ſhe brought me two little caps, and I gave her four-pence for them. I never knew where ſhe lived till the day they took me to priſon. I have got four children.

Court. (To Eldrid). Q. The ſeveral articles contained in this indictment, what is the value of them?—*A.* The whole together about five ſhillings.

Two witneſſes were called to the priſoner's character, who had known her from two to three years, and gave her a very good one.

NOT GUILTY.

Tried by the London Jury, before
Mr. RECORDER.

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465. EDWARD CLARK was indicted for receiving ſtolen goods.

—— EMERY *ſworn.*—I am a porkman: On Monday, the 25th of March, two ſheets hung out to dry in the yard; I miſſed them on Tueſday morning, the 2d of April, and alſo four muſlin aprons, a muſlin handkerchief, a laced cap, a braſs candleſtick, and a pair of gold ſcales; I found one ſheet at Mr. Clark's, No. 4, Golden-lane, he keeps an old iron and broker's ſhop, and has another houſe oppoſite, in the chandlery way; I went there along with the woman that ſtole them, Mrs. Duffin; there was my name upon the ſheet, and the number; the other ſheet I don't know, becauſe it has no mark.

Croſs-examined by Mr. Alley. Q. That ſheet you got from Mrs. Clark?—*A.* Yes.

Q. Did not you go with Mrs. Duffin to the priſoner's houſe, and ſay, ſhe had pawned a ſheet for eight-pence?—*A.* No.

Q. Do you know a man of the name of Steel?—*A.* I have ſeen him once or twice.

Q. Do you remember ſending him to that poor fellow to ſay, if he gave you ten ſhillings you would not profecute him?—*A.* I did not; nor a hundred pounds, nor a thouſand pounds.

ELIZABETH DUFFIN *ſworn.*—I am a married woman, and have got three children, my huſband is a carpenter; I happened to go into Mr. Emery's yard for ſome water, I lived in the pariſh eleven years, and was never guilty of ſuch a thing before; it was about a fortnight before Eaſter, it was after ten o'clock at night, and I had had ſome words with my huſband, and he had turned me out; I ſaw theſe things hanging to dry upon the line in the yard, and I took them, and alſo a candleſtick out of the houſe, the ſame night; I ſold them to Mr. Clark in his own ſhop, the very minute after I had taken them, the watchman was going eleven; I put them down in the parlour, upon a chair, and Mr. Clark took them and put them upon the counter; Mrs. Clark gave me three-pence, and told me to come in the morning and I ſhould have ſome more; the next day his wife paid me four-pence more, which made ſeven-pence for the whole lot.

Q. What were the things?—*A.* A pair of ſheets only, then; the other things I ſold to Mr. Clark the ſame week.

Q. Did you ſell a muſlin apron?—*A.* No.

Q. Any handkerchief, or cap?—*A.* No; there was a pair of gold ſcales, and a candleſtick; I got two-pence for the candleſtick, and two-pence for the ſcales.

Q. How came you to tell Mr. Emery of it afterwards?—*A.* His wife was fretting about it, and I told her not to make herſelf ſo unhappy, for it was I that took them.

Croſs-examined by Mr. Alley. Q. You know I was an old friend of your's at Clerkenwell?—*A.* Yes; I was at Clerkenwell.

Q. This man was your friend, and you were kind enough to rob him for his kindneſs to you?—*A.* I took the things.

Q. Don't you know, that by ſwearing againſt this poor man you ſave yourſelf from going to Botany Bay?—*A.* No, I don't know that.

ROBERT OWEN *ſworn.*—I know nothing of this but hearing the confeſſion of the laſt witneſs.

Mr. Alley addreſſed the Jury in behalf of the defendant.

GUILTY.

Impriſoned in Newgate ſix calendar months, and publicly whipped one hundred yards in Golden-lane, as near his own dwelling as poſſible.

Tried by the ſecond London Jury, before
Mr. COMMON SERJEANT.

466. EDWARD

466. EDWARD ATKINSON, LUKE BALL, JOHN TURK, JOHN WARWICK, and NATHANIEL LYNHAM, were indicted for a conſpiracy.

(The indictment was ſtated by Mr. Gurney.)

Mr. Knowlys. Gentlemen of the Jury, this is an indictment againſt the five defendants, who are now before you, Edward Atkinſon, John Turk, Nathaniel Lynham, Luke Ball, and John Warwick, and the indictment charges them with a conſpiracy.

Gentlemen, on the preſent occaſion, I have the honour to repreſent a very uſeful body of reſpectable gentlemen, maſter printers, who are induced, in conſequence of very great concern for the intereſt of the public, to bring forward theſe five men, who are men of very decent appearance, and certainly not men of the loweſt underſtanding, although they are charged with an offence now upon the records of the Court.

Gentlemen, the crime of conſpiracy has always been looked upon in a very aggravated light indeed, and a more dangerous thing to the public can hardly be ſtated, than that of a ſet of men conſpiring to obſtruct the progreſs of any one trade; and it is to be lamented, that hardly a year has gone on without a conſpiracy having been brought forward by ſome active men againſt their maſters.

Gentlemen, with reſpect to the preſent caſe, the trade of printing, in this metropolis, has been interrupted from time to time by the journeymen printers, in attempting to get their wages raiſed, which has been reſiſted, and with a good deal of effect by the maſter printers, who were obliged, on the occaſion, to have recourſe to their apprentices; therefore it was thought expedient by theſe journeymen printers, that their maſters ſhould be prevented from taking more than a certain number of apprentices, for which purpoſe they formed a meeting together, which, from its appearance, certainly bore no reproachable mark upon it, it was called A Friendly Society; but, Gentlemen, by the means of ſome wicked men among them, this ſociety degenerated into a moſt abominable meeting for the purpoſe of a conſpiracy; thoſe of the trade who did not join this ſociety were ſummoned, and even the apprentices, and were told, unleſs they conformed to the practice of theſe journeymen, when they came out of their times they ſhould not be employed.

Gentlemen, this kind of proceeding went on for a conſiderable length of time, till about March laſt, when the maſter printers then intimated to each other, if thoſe proceedings went on any longer, it would lead to a very dangerous tendency, as they were under the neceſſity of performing the work with their apprentices, and their own hands.

Gentlemen, the maſters then cauſed public notice to be given, purporting, that unleſs theſe men would return to a ſenſe of their duty ſome proſecutions ſhould be commenced and brought againſt them; then it was that this conſpiracy began; the principal leader of which was not then known, but withheld from the knowledge of the maſter printers.

Gentlemen, on the 10th of March, the maſter printers, in conſequence of information given them by the preſſmen met at the York Hotel, and there the five defendants came clothed as delegates, they repreſented themſelves as the head of a parliament, as we may call it. The principal ſpokeſman, and the leader of thoſe five defendants, was the defendant Atkinſon, and they propoſed to the maſters five propoſitions, as conditions, not that they would individually do ſuch and ſuch an act, but that the whole body of preſſmen ſhould not come to work, but under certain conditions.

Gentlemen, in what ſituation are we, if thoſe ſort of meetings are permitted to go on, or theſe five men are ſuffered to take upon themſelves, of their own authority, to guide and direct the work in this manner; however, this was the caſe, Mr. Atkinſon was the ſpokeſman, and delivered the following propoſitions, which the maſters took down in writing.

The firſt was, that there ſhould be three apprentices to ſeven preſſes, allowing another ſhould be taken when the eldeſt is in the laſt year of his time.

Now I will prove to you what was the policy of this reſolution, and then it will appear clearly, that if they are limited, they cannot carry on the work.

The ſecond was, no boy to be admitted upon poundage, unleſs he be turned over; this is not ſo material.

The third was, no apprentices to be permitted in any houſe, beyond a reaſonable time of trial, without being turned over.

The fourth was, apprentices not to be allowed equal to journeymen, nor leſs than what will properly ſupport them.

The fifth was, no apprentices to be taken pending the negociation.

Gentlemen, they gave the maſters ſome time to conſider of theſe propoſitions, and the anſwer that they returned, was, it could be of no intereſt for the maſters to ſtop the trade; the intereſt of the maſters, and the intereſt of the men, muſt be one and the ſame, therefore their wiſh was not for them to do any thing that was prejudicial to the workmen.

Now, gentlemen, was this a conſpiracy or not? Was it not a widely extended conſpiracy? Gentlemen, you may judge of that, by what even paſſed at the meeting of the 10th of March, for no ſooner had this meeting broke up, than Mr. Thorn addreſſed himſelf to Atkinſon, and ſaid, I am in a moſt diſagreeable ſituation, in conſequence of the workmen having left me; I really cannot bring the paper forward, but if Young would aſſiſt me, I could bring the paper forward; upon which, Atkinſon wrote a note to Young, and actually gave permiſſion for Young to work for him, and he did come forward and work for him.

Gentlemen, meſſengers were addreſſed to almoſt every printing-office in London; to the gentlemen of Mr. Barker's office; whether Edward Atkinſon, or whoever was the perſon employed in this buſineſs, is not material, but the contents of this meſſage one would almoſt ſhudder at, it is as follows:

" Gentlemen, it is the opinion of your committee, that unleſs your employer gives you a ſtrong aſſurance, that he has ſeceded from the body of the maſters, you are to conſider your engagement this day as at an end."

Can there be any doubt of a conſpiracy of the moſt dangerous nature; but, if there ſhould be a doubt, I will ſhew you, that wherever this meſſage was ſent, the men came forward and inſiſted upon an anſwer.

Gentlemen, I need not ſtate to you, when Mr. Atkin-

ſon has ſtood forward as ſecretary, that there can be any proof wanted, that this Mr. Atkinſon was the author of this meſſage; but if there ſhould be, we have abundant evidence to prove, that this is actually the hand-writing of Atkinſon himſelf.

Gentlemen, in conſequence of this, theſe perſons all of them ſtruck, and in this ſituation it is they are obliged to come forward, not merely for the ſake of puniſhing theſe men, but for the intereſt of the public; and I am inſtructed to ſay, if theſe men will now give up this conſpiracy, and return to their maſters, and work as uſual, that the maſters will ſtop this proceeding. I do not expect theſe terms will be acceded to; but, gentlemen, if that is not to be done, if theſe men will not repent of their wickedneſs, I hope this Court will have it in its power to inflict a ſevere puniſhment upon them, and I truſt others will take warning by them. I will prove theſe facts to you, they lay in a very narrow compaſs, and when I have proved them to you, there can be no doubt but this conſpiracy exiſts in this metropolis.

Gentlemen, I hope the landlord of the public-houſe, where this meeting was held, will be taken notice of in another place.

Gentlemen, I will alſo prove to you, by a number of witneſſes, ſeveral of them maſter printers, that there are a number of journeymen, who are willing to work, but they have been intimidated and told, they ſhall never get bread if they offer to work; and thoſe, who are apprentices, are told, when their terms expire, after ſeven years ſervice, that all their previous labour ſhall be defeated, and they ſhall not be employed.

WILLIAM THORN *ſworn.—Examined by Mr. Jackſon.* I am a maſter printer, I live in Red-lion-court, Fleet ſtreet: There have been very conſiderable diſputes ariſen between maſters and journeymen printers.

Q. Have the maſter printers increaſed the number of their apprentices?—*A.* Yes, they have.

Q. Since that increaſe of apprentices, have the preſſmen, to your knowledge, ſtruck?—*A.* The increaſe was made upon different houſes, but very few; it was in conſequence of not obtaining ſufficient journeymen that the increaſe was made, and they ſtruck in my own houſe, and ſeveral others.

Q. Do you know of any application being made to you, and the other maſters, to meet the defendants at the bar?—*A.* Yes; there was an application made by Mr. Davis.

Q. In conſequence then of what you had heard, did the maſters, or any part of them, meet?—*A.* They did, at the York Hotel.

Q. When was it?—*A.* I cannot poſitively ſay, with reſpect to the time.

Q. Can you tell nearly?—*A.* It was in the month of April; it was at the York Hotel.

Q. Look at the defendants at the bar; were they preſent?—*A.* They were all preſent.

Q. Now ſtate, as diſtinctly as you can, what paſſed when you were there—in what capacity did they come?—*A.* I underſtood they came as a committee from the general body of journeymen; they did not ſay they were a committee, but we met them as a committee, and ſome as propoſitions were propoſed.

Q. Which of them made thoſe propoſitions?—*A.* Sometimes one, ſometimes another; they were not all delivered by one perſon.

Q. Were they delivered in words?—*A.* I took them down myſelf verbally.

Q. What character did Atkinſon appear in?—*A.* As ſecretary.

Q. Do you recollect which of them made the propoſitions?—*A.* I before ſaid, they were made ſometimes by one, ſometimes another; Mr. Atkinſon made one, Mr. Lynham another; and then ſometimes two were ſpeaking at one time.

Q. Did they, or not, generally diſcourſe upon the propoſitions that were made?—*A.* They did.

Q. I underſtand you to ſay, that you took down their propoſitions?—*A.* I did; this is my hand-writing, a great part of it was made at the time, except the two or three lines at the bottom.

Q. Did you read over to them what you had wrote, as their propoſitions?—*A.* Yes; I read it over to them, and aſked them if it was their meaning or not, and they ſaid yes.

Q. Did any of them ſtate any objection to thoſe propoſitions when you read them over?—*A.* No.

Q. State what thoſe propoſitions were?—*A.* The firſt ſays, three apprentices to ſeven preſſes, allowing another ſhould be taken when the eldeſt was in the laſt year of his time; that was the firſt propoſition. The ſecond, no boy to be admitted upon poundage unleſs he be turned over. The third, no apprentice to be permitted in any houſe beyond a reaſonable time of trial, without being turned over. The fourth, apprentices not to be allowed equal to journeymen, nor leſs than what will properly ſupport them. The fifth, no apprentices to be taken pending the negociation. Theſe are the whole of the propoſitions that were delivered at that time.

Q. Do you recollect what anſwer the maſters gave?—*A.* The anſwer given was at ſome length, and put into their hands for their conſideration; they took it into the coffee-room.

Q. At this time?—*A.* Yes; they took it into the coffee-room, and ſome ſhort time after returned; and after ſome little altercation, and ſome few objections, they were apparently ſatisfied with it.

Q. Did what you call the negociation conclude at that time, or was there a further time allowed for an anſwer?—*A.* Yes, a month; this was, upon recollection, on the 10th of March, at the York Hotel, Bridge-ſtreet, Blackfriars.

Q. A month was to be allowed, for what?—*A.* To give a final anſwer to the journeymen, and the trade at large, reſpecting the propoſitions made by the journeymen.

Q. And

Q. And they were to go to work till that anſwer ſhould be delivered?—*A.* Yes; they agreed to go to work directly.

Q. Do you mean generally, or till that anſwer ſhould be delivered?—*A.* Immediately; Mr. Baldwin was in great neceſſity, and, I think it was Mr. Atkinſon, who ſaid, he would ſend a man directly; it was one of the perſons who had ſtruck, that he ſhould return to buſineſs.

Q. Do you know if the maſters returned any anſwer to that?—*A.* They did return the anſwer promiſed, within a month.

Q. Do you know to whom the anſwer of the maſters was returned?—*A.* Yes; it was returned to the committee, but to whom I cannot preciſely ſay; it was done by a perſon that tranſacts the buſineſs, and Mr. Benſley the ſecretary.

Q. Do you know if the maſters received any reply from Atkinſon, in anſwer to their anſwer?—*A.* I believe they did.

Q. Have you ſeen one of them? *(Shewing him a paper.)*—*A.* Yes; this is the anſwer that I underſtood had been delivered.

Q. Have you ſeen it before?—*A.* Yes.

Q. You have ſeen it as his anſwer?—*A.* Yes.

Q. After this reply was given, what was the conſequence?—*A.* They ſtruck.

Q. Do you know, of your own knowledge, that they ſtruck in one office, or more than one?—*A.* They ſtruck in ſeveral offices after the reply was ſent.

Q. Did your men ſtrike?—*A.* They did.

Q. What reaſon did they aſſign for ſtriking?—

Mr. Knapp. His men are not the defendants, and therefore, what they ſaid to him cannot be evidence againſt theſe men.

Mr. Knowlys. I ſubmit to the Court, that this is good evidence; we are firſt to prove a conſpiracy; we then alledge, that in conſequence of that conſpiracy numerous workmen ſtruck; why then, the the conſpiracy being alledged, I take it, the conduct of the perſons who did ſtrike, is evidence; the conſpiracy being firſt eſtabliſhed, that their conduct aroſe from that conſpiracy; for it is charged as an overt act of the conſpiracy that they did ſtrike.

Mr. Gurney. It is already in evidence, that the preſent defendants met the maſter printers, as a committee; that they made propoſitions to the maſters in the name of the preſſmen; that they delivered in thoſe propoſitions for the preſſmen; that at the end of that month they ſtruck a ſecond time, which your Lordſhip will have moſt ſtrictly in evidence; and you will find, that inſtantly after that anſwer is ſo given, the preſſmen, in the office of Mr. Thorn, ſtruck; and when the anſwer of the maſters is given, they aſſign that as the reaſon why they left him.

Mr. Knapp. I apprehended they muſt prove a knowledge in theſe perſons as connected with the conſpiracy ſtated upon the record, or elſe your Lordſhip ſees the extent to which it will go; for, unleſs ſome knowledge is proved in the defendants upon this record, they might as well extend it to what paſſed at York, or any other part of the kingdom; and I am ſure your Lordſhip would tell me directly, unleſs theſe defendants could be proved to have a perfect knowledge of what theſe men were about, it is utterly impoſſible to give that evidence which is contended for on the part of the proſecution; it does ſeem to me, that what paſſed at Mr. Thorn's office, with reſpect to his men ſtriking, unleſs they prove a concert, and a knowledge in the defendants of what had paſſed, it is impoſſible that they ſhould give in evidence any thing like that. I therefore hope your Lordſhip will be of opinion, that they are not entitled to give any ſuch evidence.

The objection was over-ruled by the Court.

Mr. Jackſon. Q. Did you converſe with your men on the ſubject of ſtriking?—*A.* Yes.

Q. Tell me the names of the men that you ſo converſed with?—*A.* Wm. and Henry Medcraft.

Q. Did you ſend this man, or any of your journeymen, to the committee?—*A.* I did.

Q. Where did you ſend them?—*A.* They went to the committee.

Mr. Knapp. Q. How do you know that?—*A.* They told me ſo.

Mr. Knapp. That will not do.

Mr. Jackſon. Q. What was the purpoſe for which you ſent them?—*A.* To enquire whether they might be permitted to return to work; they returned in about an hour afterwards.

Q. Do you know what day this was?—*A.* It was on the Tueſday; they ſtruck on the Saturday immediately preceding the Sunday, this was on the Tueſday following.

Q. How ſoon was it after the anſwer was given by the maſters that your men ſtruck?—*A.* The next day, or the next day but one.

Croſs-examined by Mr. Knapp. Q. You have ſtated a meeting in order to enter into a negociation with the journeymen, is that the only meeting you have had in order to ſettle you differences?—*A.* No.

Q. Had you a meeting in the February preceding, at the Globe Tavern?—*A.* We had.

Q. Had there been letters paſſed between the journeymen and the maſters relative to the diſpute even previous to that?—*A.* I believe there were letters paſſed between the committee and a Mr. Davis.

Q. Which was communicated to the committee?—*A.* Yes, occaſionally.

Q. How long before that meeting, at the Globe, had there been any communication, and correſpondence, had between the journeymen and the maſters?

maſters?—*A.* Between the journeymen and Mr. Davis.

Q. Was that correſpondence regularly communicated to the committee?—*A.* Yes.

Q. How long had this communication been going on?—*A.* I ſuppoſe near two months.

Q. On both ſides it was intended to communicate between you, in a friendly way, upon the ſubject of your diſpute?—*A.* It was always the deſire of the maſters ſo to do.

Q. You attended the meeting at the Globe Tavern?—*A.* I did.

Q. Was it at the inſtance of the maſters, deſiring a part of the journeymen to meet them at the Globe Tavern?—*A.* I cannot preciſely ſay, I believe it was through the repreſentation of Mr. Goſnell.

Q. A maſter printer?—*A.* Yes.

Q. One of your body?—*A.* Yes.

Q. And through his repreſentation, you think it was, that a meeting was called at the Globe Tavern?—*A.* Yes.

Q. Were there any propoſitions at that meeting, either from the maſters or journeymen?—*A.* The maſters requeſted, as a preliminary, that the men ſhould return to their work, and give up their oppoſition.

Q. Then they ſubmitted no propoſitions to the committee?—*A.* Not to my recollection.

Q. Was there not a converſation between the maſters and journeymen, relative to the diſpute of taking too many apprentices out door and in?—*A.* There was a converſation on that ſubject.

Q. You ſay there was a converſation upon that ſubject before you broke up—was it not expreſſed by the maſters, that the journeymen had conducted themſelves in a fair and candid manner, making known their objections at that time; I mean at the Globe Tavern, on the 14th of February?—*A.* I do not preciſely recollect that there was any thing of that kind paſſed.

Q. I will put the queſtion again, I aſk you—whether, in the courſe of that converſation, the maſters did not expreſs themſelves ſatisfied at the fair and candid manner in which they had treated the diſpute, and urged their requeſts?—*A.* No, I do not recollect that.

Q. Now I will put you in mind of them—did nothing like this take place, that the journeymen ſaid, we hope, gentlemen, you do not mean to take any advantage of us on account of the part we have taken in the buſineſs, with a view to bring about an amicable adjuſtment of the diſpute; in anſwer to which, the maſters, all of them, immediately ſaid, no, by no means, we hope you will not think ſo, God forbid that we ſhould attempt it; do you recollect any thing of that ſort?—*A.* Yes, I recollect that.

Q. Now, after having ſtated to the Court, that you recollect that, perhaps your memory may be a little refreſhed—I aſk you again, whether the maſters did not expreſs themſelves ſatisfied with the conduct of the journeymen at that time, in having met ſo reaſonable a ſet of men, telling them at the ſame time, that they might depend upon it that they would be their friends—do you recollect that?—*A.* Yes, I do.

Q. So that the men then, in the reſult of both theſe inſtances, were given to underſtand that they had conducted themſelves decently and properly to their maſters, in urging their requeſt in the reaſonable manner in which they had urged it?—*A.* Yes, up to that period.

Q. So that you appeared perfectly ſatisfied with the conduct and the manner in which the journeymen had conducted themſelves, and they went away with the idea?—*A.* They went away without any particular determination; the matter ſtill hung in ſuſpence.

Q. Did not you, in order to ſatisfy every body, ſubmit to ſhake hands before you parted?—*A.* There was no kind of animoſity, I believe, but there was no ſhaking hands.

Q. Will you ſwear there was no ſhaking hands?—*A.* There was no ſuch thing as I ſaw.

Q. Did any of the maſters ſhake hands with the journeymen?—*A.* No, not that I ſaw.

Q. After that time, and between the 14th of February and the 10th of March, and the meeting at the York Hotel, did there continue a negociation at all between the maſters and journeymen—was there any correſpondence kept up?—*A.* I believe there was with a Mr. Davis.

Q. What paſſed with Mr. Davis, was made known to the committee of the maſters?—*A.* Yes.

Q. So that a negociation was kept on foot previous to the meeting at the Globe Tavern, at the Globe Tavern, and down to the York Hotel, on the 10th of March—did you, at the York Hotel, join in the wiſh to negociate the buſineſs upon an amicable footing?—*A.* Moſt aſſuredly.

Q. The meeting at the York Hotel was at the deſire of the maſters convening a part of the journeymen?—*A.* No, at the requeſt of the journeymen.

Q. Then, at the requeſt of the journeymen, whom you had been negociating with, they, of their accord, deſired you, the maſters, to meet them again at the York Hotel?—*A.* They did, by letter.

Q. And in conſequence of that, did they attend the committee?—*A.* They did, the five defendants.

Q. And then the propoſitions were made, that you have ſtated to my learned friend?—*A.* Juſt ſo.

Q. Now I would aſk you again, whether, even after theſe propoſitions were made, and the negociation had ſubſiſted between you from the beginning to the end of this date, whether you did not even then

then part friendly with the journeymen, and promiſe to be their friends?—*A.* We parted friendly at that time.

Q. Did not you part almoſt in the ſame terms as at the Globe Tavern?—*A.* We parted with ſtill greater hopes of the matter coming to a concluſion.

Q. Were thoſe hopes increaſed from the conduct of the journeymen?—*A.* Yes; from the manner in which they received us.

Q. Did not you then, with theſe hopes, promiſe to be their friends, and not to take advantage of them?—*A.* There was no promiſe made.

Q. But was it ſtated by any body at that meeting?—*A.* I do not think it was.

Q. Will you ſwear it was not?—*A.* No.

Q. But you did part with them better friends than before?—*A.* Yes.

Q. How ſoon after did you inſtitute this proſecution?—*A.* Better than a month; it was not determined on till after the men had ſtruck.

Q. How ſoon did you inſtitute this proſecution, after the month agreed upon between you, the maſters, and the journeymen?—*A.* It was after the month.

Q. Was it two or three days, or was it a week?—*A.* I believe it might be three or four days.

Q. We have heard it ſtated, that this is a mild proſecution, and that peace is all that the maſters want—did you take up theſe men upon warrants, the moment the indictment was preferred?—*A.* That I cannot ſay, I believe they might; I do not know whether they were or not.

Solicitor for the proſecution. They were; two of them were taken up on a warrant; one of theſe defendants was taken on the Saturday, and continued till Monday; that was Warwick, I believe.

Q. I would juſt aſk you, whether, after the meeting of the committee, at the York Hotel, and after the month had gone by, whether, even on the part of Atkinſon, from the committee of journeymen, a negociation was not further urged to the maſters?—*A.* Not that I know of.

Q. Have you never heard of it?—*A.* I know nothing of it.

Q. You know Mr. Benſley?—*A.* Yes.

Q. He is the ſecretary to your committee?—*A.* Yes.

Q. Was it not communicated to him, that the journeymen wiſhed to have a further negociation with the maſters?—*A.* Not that I know of.

Q. You belonged to the meeting of the maſters?—*A.* Yes.

Q. And you help to carry on this proſecution—do not you expect to pay your ſhare of the expences?—*A.* The ſame as the fund on the other ſide.

LUKE HANSARD *ſworn.—Examined by Mr. Gurney.* *Q.* Did the defendant, Atkinſon, ever work with you?—*A.* Yes.

Q. Look at that paper, and tell me if you believe it to be his hand-writing?—*A.* I do not think the paper is; I believe the ſignature to be his hand-writing.

Q. Look at that paper?—*A.* I believe that alſo to be his ſignature.

Q. Did Atkinſon work with you at the time the journeymen ſtruck?—*A.* No, he did not.

(Mr. Shelton reads). "April the 5th, 1798. Addreſſed to Mr. Benſley. To the maſter printers, Gentlemen, the preſsmen were in hopes, from the length of time you have taken, and the promiſes you have made, when laſt they had the honour of meeting, that the buſineſs would have been more amicably adjuſted; nor can they help ſaying, that your anſwer tends to no regulation reſpecting the apprentices, the origin of the preſent diſpute; and unleſs your body come to ſome regulation on that head, the preſſmen conſider the negociation at an end. By order, your's Edward Atkinſon."

"Saturday, April the 7th, 1798. Addreſſed the gentlemen of Mr. Barker's office. Gentlemen, it is the opinion of your committee, that unleſs your employer gives you a ſtrong aſſurance, that he has ſeceded from the body of maſters, you are to conſider your engagement at an end, this day. By order, Edward Atkinſon, ſecretary."

Croſs-examined by Mr. Raine. I obſerved ſomething in that paper reſpecting regulations of apprentices—I aſk you, whether you think it reaſonable that maſters ſhould take apprentices out of doors, without ſtint, and without number?—

Court. You cannot aſk that; it is no part of this queſtion, whether the journeyman's requeſt is reaſonable or not, it is the mode and not the thing that we are to enquire into.

Mr. Raine. I beg your Lordſhip's pardon; I ſubmit that we are to enquire into the thing as well as the mode.

Court. Certainly not; we are not ſitting here to arbitrate between the maſters and the men; I do not think that it is any part of the queſtion, even in mitigation of puniſhment, it is only waſting the time of the Court.

Mr. Raine. *Q.* I believe you know there is a Friendly Society ſubſiſting among the preſſmen?—*A.* I have heard of it.

Q. Of courſe, you know the nature of theſe ſocieties, that as Friendly Societies they are extremely beneficial?—*A.* Yes, I believe they are.

Q. Atkinſon worked for you ſome time?—*A.* Yes; but it is a long time back.

Q. Therefore, you had an opportunity of ſeeing his general character and conduct?—*A.* While he worked with me, I reſpected him as a good, ſober workman.

Q. Was he a faithful ſervant?—*A.* I always found him ſo.

JONAS DAVIS *ſworn.—Examined by Mr. Knowlys* *Q.* You are a maſter printer?—*A.* Yes.

Q. Do you know, whether before the meeting on the

the 10th of March, at the York-hotel, the preſsmen in the trade had ſtruck?—*A.* Yes; my men had ſtruck long before that.

Q. Do you know of your own knowledge, whether the trade has been at all obſtructed in conſequence of that ſtriking?—*A.* To my knowledge it has.

Q. Do you ſpeak of yourſelf individually, or others?—*A.* I ſpeak of myſelf individually, and others beſides.

Q. After the meeting at the York-hotel, do you know whether, on the 10th of March, the journeymen came to work?—*A.* They came to work on the Monday following; my men, who had been abſent and refuſed to come to work for ſome weeks, I believe, did then return; the meeting was on the Saturday preceding; till then, I could get no men to work.

Q. Do you know whether your men, or any other men, in the employment of any other perſons, preſſmen, ſtruck, after you had returned the anſwer to the preſſmen?—*A.* After we had returned our anſwer, my men left me.

Q. When did they leave you?—*A.* Four weeks after the 10th of March; I do not recollect the day, ſome of them gave me warning, that is the uſual courſe of the trade, the others left me without warning.

Q. Have you, from that time, been able to get any preſſmen to work for you?—*A.* Two old men, who are, I underſtand, proſcribed, by the reſt of the trade, continued to work for me; and one, who came from Scotland, has worked for me for ſome little time; beſides that, I have no men.

Q. Are you in want, and have you been, of more men?—*A.* Yes; I have been in great diſtreſs for more men, and was at the time they left me.

Q. Do you recollect ſeeing the defendants, or any of them, at the York Hotel?—*A.* Yes; I recollect ſeeing them all at that meeting.

Croſs-examined by Mr. Hovel. Q. You, perhaps, know, of your own knowledge, there does exiſt a friendly ſociety of journeymen?—*A.* No, I do not.

Q. Have you never had occaſion to know, that any of the defendants belonged to a Friendly Society of journeymen?—*A.* Not to a Friendly Society.

Q. How many out-door apprentices did you happen to have, at the origin of this diſpute?—*A.* At the origin of this diſpute, I had two.

Q. Only two?—*A.* Only two.

Q. Has that been the greateſt number you ever had from that time to this?—*A.* No.

Q. How many more have you got at this time?—*A.* I have now four, to the beſt of my recollection.

Q. Cannot you recollect the exact number?—*A.* Yes, four in the whole, and one in doors; I have had five at one time, but one of them ran away upon my deſiring him to bring up another, becauſe I could not get journeymen.

Q. I think I underſtand you to ſay, that you did not know of this Friendly Society of journeymen?—*A.* I underſtand there was a ſociety of preſſmen exiſting, but not a Friendly Society; what I underſtand by a Friendly Society, is a Benefit Society; as ſuch, I do not know, nor do I underſtand there is any ſuch ſociety exiſting.

Q. Did you ever hear of the articles of that ſociety—perhaps it may happen to you to have read them?—*A.* Yes.

Q. When you ſaw theſe articles, perhaps you read them attentively?—*A.* I think I did.

Q. Was there any thing in them, at that time, that was repugnant to your feelings, or judgment?—*A.* I think there was.

Q. What was it?—*A.* I cannot recollect.

Q. Did you tell the perſon ſo that ſhewed them to you?—*A.* No, I did not.

Q. Perhaps, to him, you expreſſed an approbation of them?—*A.* No, I did not.

Q. Did you look at them in the preſence of the perſon who brought them?—*A.* I think not.

Q. Had you any converſation with that perſon about them?—*A.* I don't recollect that I had.

Q. Was it a printed copy of the articles of this Society?—*A.* Yes, it was.

Q. Should you know the book again?—*A.* I think ſo.

Q. Look at the?—*A.* I believe theſe are the articles, I do not remember the index.

Q. Look at the title page—do you find the term Friendly in that?—*A.* Yes.

Q. And yet you have no recollection, or ever heard of a ſociety denominated a Friendly Society?—*A.* I did not ſay ſo; I have heard of ſuch a Society, but I did not believe there was ſuch a ſociety exiſting.

Q. That is a copy of the articles binding that Society together?—*A.* I do not believe theſe articles do bind that Society together; I take that to be an inſnaring queſtion.

Q. Why do you believe it to be an inſnaring queſtion?—*A.* I do not believe there is any ſuch ſociety exiſting under theſe articles, as a Benefit Society; I never heard of any one man being upon that Society.

Q. Have you ever had any converſation with Atkinſon upon the ſubject of theſe articles?—*A.* I cannot ſay; if I have, it has eſcaped my memory.

Q. Did you ever tell Atkinſon, that you thought the object of the ſociety good, and the regulations proper?—*A.* I do not remember telling him ſo.

Q. Will you ſwear you did not?—*A.* No, I will not ſwear it; I do not recollect it; if I had ever ſaid ſo, I am convinced I muſt have added, if they adhered to thoſe articles.

Q. Then you muſt have ſome recollection of it?—*A.* No, I have not.

Q. Then

Q. Then how can you put that interpretation upon it?—*A.* I put no interpretation upon it.

Q. Were you ever at Hicks's-hall, Clerkenwell?—*A.* Yes.

Q. Upon what occaſion?—*A.* Attending the trial of ſome of my own men.

Q. For a conſpiracy?—*A.* Yes.

Q. What became of it?—*A.* It was removed by a *certiorari*.

Q. Who removed it?—*A.* My attorney.

Q. Did you proſecute it?—*A.* No.

Q. Are you ſpeaking of the preſent proſecution?—*A.* No; of a proſecution that I had commenced againſt my own journeymen, for a conſpiracy.

Q. To do what?—*A.* To injure me, in preventing my taking apprentices.

Q. When was that indictment either given up, or proſecuted?—*A.* You were there, and therefore you know.

Q. I am not ſtanding in the evidence box, it is my buſineſs to aſk you queſtions, and you muſt anſwer them.

Q. Was not that a proſecution for an offence, making a part of this conſpiracy?—*A.* Yes; I think it was.

Q. How long ago, was it a month?—*A.* No; a few days ago.

Q. Then it was a part of this conſpiracy?—*A.* Yes.

Q. Was that the only time you have ever been at Hick's Hall?—*A.* No.

Q. Upon what occaſion have you been there?—*A.* I have been there to enter into a recognizance.

Q. To try theſe very perſons?—*A.* Yes.

Q. Were you ever there at any other time?—*A* I do not remember.

Q. Then theſe were the only times you had been there?—*A.* Yes; I was there once before.

Q. Upon what occaſion were you there then?—*A.* On a trial, reſpecting an apprentice, about three years ago.

Q. What, your apprentice had indicted you?—*A.* Yes.

Q. For what?—*A.* For aſſaulting him.

Court. That can have nothing to do with this queſtion.

Mr. Hovel. My Lord, I conceive it is competent for me to try the credit of this witneſs; I ſubmit to your Lordſhip, that it is the only way we have of trying it.

Mr. Knapp. He was convicted of that aſſault.

Mr. Davis. I was convicted, and the fine, I think, was fourpence, and the apprentice wanted to return to me after that; and before the trial, he offered to return, if I would give him one ſhilling a week for wages; at that time he was not my apprentice.

Mr. Hovel. Q. It was a trifling ſwitch that you beat him with?—*A.* Yes.

Q. Was it as thick as my wriſt?—*A.* No; about as thick as my little finger.

Q. Was the fine no more than four-pence?—*A.* I am not certain.

Mr. Knowlys. Q. Was not the reaſon you gave to the Court, laſt Monday, for withdrawing that proſecution, that you would proſecute the ring-leader firſt?—*A.* It was.

Court. Q. Are you one of the maſters that reſiſted the regulations, reſpecting the apprentices?—*A.* Yes.

Mr. Knowlys. Q. At one time you had five apprentices?—*A.* Yes.

Q. Upon your oath, ſhould you have had ſo many apprentices, if you could have got journeymen to work?—*A.* No, upon my oath, I ſhould not.

Mr. Hovel. Q. Were you driven to take theſe apprentices, becauſe the journeymen refuſed to work?—*A.* Yes.

Q. Did you take them at the time?—*A.* Yes.

Q. How many?—*A.* Three.

Q. Were any one of theſe taken during the month allowed for negociation?—*A.* They were all in the houſe before.

Q. Was any one aſſigned to you from any other perſon?—*A.* I am not quite clear whether the articles of one were ſigned, but they were all taken before that; my men had ſtruck long before the general conſpiracy; the conſpiracy began in my houſe.

Q. Did you take any one apprentice after the meeting at the York Hotel, when it was agreed by the maſters, that you ſhould take no more apprentices during that month?—*A.* It was not ſo agreed that I know of; it was agreed, that we ſhould take no more than we had.

Q. Was not the articles of this one boy ſigned during that month?—*A.* I am not certain.

Mr. Knowlys. Q. You had received them into the houſe before the meeting?—*A.* Yes.

CHARLES BALDWIN *ſworn.—Examined by Mr. Jackſon.* I am a maſter printer, in Union-ſtreet, Blackfriars, in partnerſhip with my father: I was at the meeting at the York Hotel, on the 10th of March.

Q. Had your men ſtruck at that time?—*A.* My men never ſtruck at all.

Q. At the York Hotel, had you any converſation with Atkinſon?—*A.* Yes; upon coming out of the room I met Atkinſon, and I told him the difficulty I ſhould have in working the newſpaper that afternoon, for the men were not preſent; I ſaid, I ſuppoſe, in conſequence of the agreement that had then been made, the men who had been before in my ſervice would return immediately to it; I ſaid, I wanted a man of the name of Young; he

he ſaid, ſtay, I had better give you a note; I ſaw him go into the back coffee-room and write it, he delivered it into my hands, and it contained, as nearly as I recollect, the following words—

Q. Who was the note directed to?—*A.* I am not confident whether it was directed or not.

Q. For whom did Atkinſon tell you it was intended?—*A.* Mr. Young, the preſſman.

Q. Did you ſend it to Young?—*A.* Yes.

Q. And did Young come to work after?—*A.* In conſequence of it, immediately.

Q. That note is not in your poſſeſſion?—*A.* No.

Q. Do you know whether Young was one of thoſe preſſmen who had ſtruck?—*A.* My men had not ſtruck, I had diſcharged them; I requeſted them to work a form for Mr. Davis, whoſe men had left him, and they all refuſed, and therefore I told them, if they would not do as I requeſted them, they ſhould not work for me.

Croſs-examined by Mr. Knapp. Q. Were you one of the committee of maſter printers?—*A.* I was.

Q. Were you preſent at the Globe Tavern at the meeting of the 14th of February?—*A.* I cannot recollect the day.

Q. Was it the day on which the maſters invited the journeymen to meet them?—*A.* I did meet the journeymen, and the propoſition was made.

Q. Was not the concluſion perfectly friendly between the maſters and journeymen?—*A.* I do not recollect that.

Q. Do you recollect the maſters, during the negociation, making uſe of any expreſſions of this nature, upon the journeymen ſaying this: we hope, gentlemen, you do not mean to take any advantage of us, on account of the part we have taken in the buſineſs, with a view to bring about an amicable adjuſtment of the diſpute; in anſwer to which, the maſters, all of them, immediately ſaid, no, by no means, we hope you do not think ſo; God forbid that we ſhould attempt it?—*A.* I do recollect that.

Q. Do you recollect this likewiſe: the maſters telling the journeymen, at the ſame time, that they were perfectly ſatisfied with their conduct, and were happy in having met with ſo reaſonable a ſet of men; telling them, at the ſame time, they might depend upon it they would be their friends?—*A.* Not preciſely in thoſe words.

Q. To the effect then?—*A.* No, nor to the effect.

Q. Do you recollect whether the negociation was not on foot even between the meeting at the Globe Tavern and the meeting at the York Hotel?—*A.* There was ſomething like a negociation with Mr. Davis.

Q. And that was communicated to the committee?—*A.* Yes.

Q. And at the meeting at the York Hotel, ſome propoſitions were made?—*A.* Yes; I know it was generally underſtood, at the York Hotel, that no criminal notice ſhould be taken of the defendants for what paſſed at the York Hotel.

Q. Do you know whether their conduct, at the the York Hotel, was not ſuch as induced you to believe that there were better hopes than even at the Globe?—*A.* By no means; I did not underſtand it ſo.

Q. Has there not been, ſince the meeting at the York Hotel, a negociation ſought for?—*A.* I have never attended any meeting ſince the meeting at the York Hotel.

GEORGE WOODFALL *ſworn.—Examined by Mr. Gurney.* I am a maſter printer.

Q. Did your preſſmen ever ſtrike?—*A.* They did.

Q. In the City of London?—*A.* Yes.

Q. When did they firſt ſtrike?—*A.* The 7th of April.

Q. Did they ſtrike at any time previous to that?—*A.* They did not.

Q. You were at the meeting at the York Hotel?—*A.* I was, on the 10th of March.

Q. When your men ſtruck, was that before or after the refuſal of the maſters to comply with their terms?—*A.* I think it was after; the anſwer was on the 4th, and they ſtruck on the 7th.

Q. Did you ſee any note, in your office, on the day on which they ſtruck, or the day preceding?—*A.* No, I did not.

Croſs-examined by Mr. Raine. Q. Did you, at any time, diſcharge your men?—*A.* Yes; I believe it might be ſome time in March.

Q. There was a month agreed upon for a negociation between the maſters and the journeymen?—*A.* There was a month, in which we were to give an anſwer to their propoſitions.

Q. At the expiration of that month did you diſcharge your men?—*A.* No, they diſcharged themſelves from me.

Q. Did not you ſay, they might go about their buſineſs?—*A.* No, certainly not; I am poſitive I did not.

Q. In the preſence of a perſon of the name of Bennett, did not you ſay, their time was now expired, and they were at liberty to go where they liked?—*A.* No, I did not.

Q. Nothing of the ſort?—*A.* No.

JOHN BARKER *ſworn.—Examined by Mr. Knowlys.* I am a printer, No. 6, Old-Bailey.

Q. Look at that paper, and tell me where you got it from? *(One of the papers ſigned by Atkinſon.)*—*A.* This letter was brought to me by a perſon whom I do not know, to give to my men.

Q. In conſequence of that, did you deliver that paper to the preſſmen employed by you?—*A.* No; it never was delivered to them, I kept it in my own cuſtody; I had before received a notice from Mr. Atkinſon for my men, which I did not deliver.

Q. Did

Q. Did your men leave you ſoon after that?—*A.* They did not leave me in conſequence of that, I did not deliver it to them.

HENRY BRIER *ſworn.—Examined by Mr. Knowlys.* I am foreman to Mr. Woodfall.

Q. Do you recollect Mr. Woodfall's journeymen leaving him?—*A.* Yes; on the 7th of April.

Q. Did you ſee any note that was ſent to the men that day?—*A.* No.

SAMUEL GOSNELL *ſworn.—Examined by Mr. Jackſon.* I am a maſter printer.

Q. Did your men ſtrike before the meeting at the York Hotel on the 10th of March?—*A.* No; my men ſtruck on the 10th of April.

Q. Did you find any obſtruction from their leaving you?—*A.* Yes, very great; I was obliged to refuſe taking work, not being able to get it done.

Q. Do you know whether, in conſequence of the men's ſtriking at other offices, there was a great obſtruction to the trade in general?—*A.* Yes.

Q. Were you one of the maſters that objected to the limitation of the number of apprentices?—*A.* Yes.

JOHN YATES *ſworn.—Examined by Mr. Gurney.* I am a journeyman printer, and preſſman; I worked with Mr. Goſnell.

Q. Do you know the defendants?—*A.* Yes, all of them; they are journeymen preſſmen.

Q. Did you ever ſee them at the houſe of Mr. Amory?—*A.* Yes, the Crown in Clifford's-Inn-paſſage.

Q. Have you ſeen them altogether at that houſe?—*A.* I believe ſo; I cannot ſwear I have ſeen them there.

Q. In the public tap-room, or in a private room?—*A.* In various parts of the houſe.

Q. You have a ſociety there of preſſmen?—*A.* Yes.

Q. When did you leave Mr. Goſnell's employ?—*A.* I cannot ſay exactly how long it is, I believe it might be in the month of April.

Q. How came you to leave Mr. Goſnell's employ?—*A.* Mr. Goſnell diſcharged me firſt of all; I underſtood it was agreed by the maſters and the journeymen, at the York Hotel, that the men were to go back to their employ for one month; and at the expiration of that time, matters not being ſettled, I left my maſter.

Q. Did you ſee Atkinſon within a day or two before you left Mr. Goſnell?—*A.* No, I received a note.

Q. From whom did it come?—*A.* I cannot ſay.

Q. What office does Atkinſon hold in that ſociety?—*A.* Secretary, I believe.

Q. Have you any doubt about it?—*A.* No.

Q. His name was ſigned to that note?—*A.* I believe it was, but I cannot ſay.

Q. Did you mention to Mr. Goſnell that you had had a letter?—*A.* Yes, I did.

Q. Have you got that letter?—*A.* No.

Q. Have you loſt it?—*A.* Yes, I have.

Mr. Knapp. Q. How have you loſt it?—*A.* I carried it about in my pocket and loſt it; I did not take any care of it.

Q. Did you not give it to any body?—*A.* No.

Q. Are you ſure it is not in your own room?—*A.* I do not believe it is.

Q. You cannot tell whether it is in exiſtence or not?—*A.* I cannot ſay, I have not looked for it.

Mr. Knapp objected that it was not the beſt evidence, the written document itſelf not being proved to be out of exiſtence.

The *Court* were of opinion, that as the witneſs had ſworn that he always carried it about in his pocket, and loſt it, it was to be preſumed it was not in exiſtence.

Mr. Gurney. Q. Look at that paper, are the contents of that ſimilar to the note you received?—*A.* I believe it is.

Court. Q. Did you ever ſee Atkinſon write?—*A.* I have not a ſufficient knowledge of his handwriting to ſay whether it was his writing or not.

Mr. Gurney. Q. Did you ſee Atkinſon after you had left Mr. Goſnell?—*A.* Frequently.

Q. How ſoon after you had left Mr. Goſnell did you ſee him?—*A.* I do not know exactly.

Q. Where did you ſee him?—*A.* I ſaw him at the Crown afterwards, acting in his uſual office as ſecretary.

Q. Had you any converſation with him afterwards?—*A.* Not that I recollect.

Q. Was any converſation held in his company reſpecting the note?—*A.* Not to my knowledge.

Q. Do you recollect any converſation with Atkinſon reſpecting the note ſent to the Printing-offices?—*A.* Not to my knowledge.

Q. Did you leave Mr. Goſnell in conſequence of the note you received?—*A.* Yes; partly.

Q. Did you ſtate to Mr. Goſnell why you left him?—*A.* I believe I did.

Q. Did you ſhew Mr. Goſnell the note?—*A.* I did.

Q. Did you leave Mr. Goſnell with any regret, or willingly?—*A.* Willingly.

Croſs-examined by Mr. Raine. Q. This ſociety, at the Crown, is a Friendly Society, is it not?—*A.* Yes.

Court. Q. What do you mean by a Friendly Society?—*A.* A benefit ſociety.

Mr. Raine. Q. Look at that book?—*A.* Theſe are the articles.

Mr. Gurney. Q. You ſay this is a benefit ſociety?—*A.* Yes.

Q. For the benefit of men who are out of employment, or diſtreſſed otherways?—*A.* Yes.

Q. Has

Q. Has it ever been licenſed?—*A.* I do not know.

Q. How long have they been formed?—*A.* I cannot exactly ſay.

Q. How long have you been a member of it?—*A.* Some years, I cannot ſay how long.

Q. Are you a member of it?—*A.* Yes.

Q. Are theſe all the rules that there are?—*A.* All that I know of.

Q. What did you call thoſe that did not enter into it?—*A. Rats.*

Q. Is that a publication of your ſociety?—*(Shewing him a paper).*

Mr. Raine objected that it did not ariſe out of his croſs-examination, which objection was over-ruled.

Q. Have you ſeen that paper before?—*A.* I have ſeen ſuch a paper.

Q. Where?—*A.* There was one ſtuck up in Mr. Goſnell's office.

Q. It purports to be printed by an order of the committee?—*A.* That I do not know any thing about.

Q. Were you a member of the ſociety in 1796?—*A.* Yes.

Q. Where did you firſt ſee it?—*A.* At Mr. Goſnell's office.

Q. How many did you ſee?—*A.* Only one.

Q. Look at that, and tell us if you do not believe that is the very ſame that was ſtuck up in Mr. Goſnell's office?—*A.* I do not know that it is the ſame, it is one of the ſame kind.

Q. Do you or not believe it is the ſame?—*A.* I do not think it is the ſame.

Q. Upon your oath you do not think it is the ſame?—*A.* I do not.

HENRY MEDCRAFT *ſworn.—Examined by Mr. Knowlys.* I am a journeyman preſſman; I was employed in Mr. Thorn's office in April laſt.

Q. Upon your oath, for what reaſon did you leave his office?—*A.* I was obliged to leave him, he gave me warning.

Q. Why did he give you warning?—*A.* He came to the whole of the men, and aſked them, ſingly,—

Mr. Raine objected to the queſtion.

Q. Did you communicate your reaſon to Atkinſon, or did you go to Atkinſon in conſequence of it?—*A.* I went with a few of my fellow-workmen.

Q. What did you tell Atkinſon?—*A.* I told him, I was out of employ, becauſe I would not go to ſerve one Mr. Davis.

Q. Why would not you go to ſerve one Mr. Davis?—*A.* I ſerved my time to Mr Thorn, and afterwards went to Mr. Lane, in Leadenhall-ſtreet; thoſe were all the places I ever worked at, and I was not experienced, and having a wife and two children. We made it agreeable amongſt ourſelves to ſubſcribe for one another when out of work; I had ſubſcribed for them.

Q. Did Mr. Thorn ſend you to Atkinſon at any time?—*A.* We went to work a ſecond time according to the agreement of the maſters, as well as the men, that if the affair was not ſettled between them, that the maſters had pledged their words, that they were to go, and I did go, as the maſter had behaved ſo ungenteel to me at firſt.

Q. Did Mr. Thorn ſend you to the committee, or to Atkinſon, or deſire you to go?—*A.* After I had left him the ſecond time, Mr. Thorn ſent for me.

Q. Did he deſire you to go to any of the committee, and did you go?—*A.* Yes, in the courſe of that week.

Q. Did you go, by the deſire of Mr. Thorn, to Atkinſon, or the committee?—*A.* Yes, he deſired me to go.

Q. Who did you go to?—*A.* I applied to Mr. Atkinſon, the ſecretary.

Q. What did you apply to him for, what did you aſk of him?—*A.* I went to know if it was agreeable to return.

Q. Agreeable to whom?—*A.* To all that belonged to that ſociety.

Q. To return where?—*A.* To work for Mr. Thorn.

Q. What anſwer did they give you?—*A.* If Mr. Thorn would make things agreeable, and pledge his word, I might be at liberty to return.

Q. What do you mean by being at liberty to return, if Mr. Thorn would make things agreeable?—*A.* In compliance with our requeſt, I know no other reaſon.

Q. What did you underſtand by his ſaying, if Mr. Thorn would make it agreeable?—*A.* After we returned to Mr. Thorn, not to preſs upon us to return to Mr. Davis.

Q. Did he ſay a word about your return to Davis?—*A.* No.

Q. Was there any converſation about apprenticeing at that time?—*A.* Not that I heard.

Q. What was the quarrel between the journeymen and the maſters?—*A.* On account of Mr. Davis taking ſo many apprentices; it was looked upon that the buſineſs was over-run by apprentices.

Q. A little before you left Mr. Thorn, did you receive any letter from Atkinſon?—*A.* I received a note.

Q. Was that from Atkinſon?—*A.* I cannot ſay, it was made away with.

Q. Was it from Atkinſon?—*A.* I cannot ſay.

Q. Was it ſigned, Atkinſon, ſecretary?—*A.* I cannot ſay whether it was or was not.

Q. Do you believe it was?—*A.* It might be, I cannot ſay.

Q. Did you converſe with Atkinſon afterwards about that note?—*A.* No.

Q. Who gave you that note?—*A.* It was brought by a ſtranger to me, and given to me at the door.

Q. Was

Q. Was it a journeyman preſſman?—*A.* I do not know.

Q. Do you mean to ſwear poſitively that you cannot tell where it came from?—*A.* Yes.

Q. Was Atkinſon's name in the note?—*A.* I cannot recollect.

Q. Will you ſwear you cannot recollect?—*A.* Yes.

Q. Are you a member of the club?—*A.* I am.

WILLIAM CLIFTON *ſworn.—Examined by Mr. Gurney.* I am a journeyman preſſman; I worked for Mr. Spilſbury, Snow-hill.

Q. On what day did you laſt leave Mr. Spilſbury's employ?—*A.* I cannot recollect.

Q. Was it in the month of April?—*A.* I cannot recollect.

Q. Do you recollect an anſwer being given by the maſters to the propoſitions of the journeymen?—*A.* Yes.

Q. Did you receive a note?—*A.* Yes.

Q. Who did you receive that note from?—*A.* From my fellow workman.

Q. What was the name of that fellow workman?—*A.* I received a note from Mr. Atkinſon.

Q. Have you got that note?—*A.* No.

Q. What is become of it?—*A.* I do not know, I have not got it.

Q. Are you ſure you have not got it?—*A.* Yes.

Q. Quite ſure?—*A.* Yes; I have loſt it.

Q. Are you quite ſure you have loſt it?—*A.* Yes.

Q. Did Atkinſon give you a note himſelf?—*A.* Yes.

Q. Did he ſay any thing to you when he gave you the note?—*A.* I do not recollect.

Q. Bruſh up your recollection?—*A.* I cannot ſay.

Q. What did you do in conſequence of that note?—*A.* I left, in conſequence of the agreement between the journeymen and the maſters.

Q. When you were about leaving, had you any converſation with Mr. Spilſbury?—*A.* Yes.

Q. In conſequence of that converſation, did you go to Atkinſon?—*A.* No; I ſaw ſeveral of my fellow workmen, but do not know their names; they were preſſmen, and belonged to the Benefit Society.

Q. Was Mr. Warwick one?—*A.* No.

Q. Was Mr. Lynham one?—*A.* No.

Q. Was Mr. Turk one?—*A.* No.

Q. Mr. Atkinſon?—*A.* No.

Q. Mr. Ball?—*A.* No.

Q. Did you go to the Crown?—*A.* No.

Q. Did Atkinſon call upon you at Mr. Spilſbury's office?—*A.* Yes; he told me, that the negociation between the maſters and the men was at an end.

Q. Was that the time he gave you the note?—*A.* Yes.

Q. Have you ever ſeen him write?—*A.* I may have ſeen him write two or three times, at a diſtance, at our Benefit Society.

Q. What office does he hold in that Society?—*A.* As clerk.

Q. Was that note ſigned with his name?—*A.* I believe his name was mentioned in it, but I cannot ſay whereabout.

Q. Look at that note, and tell me if you believe it to be his writing?—*A.* I cannot ſay that I ſhould know my own hand-writing, I cannot read two words of it, it was to let me know that the negociation was at an end.

Q. Did you tell Mr. Spilſbury you had ſeen Atkinſon?—*A.* No.

Q. Did you tell him you had been to the committee?—*A.* No.

WILLIAM SPILSBURY *ſworn.—Examined by Mr. Jackſon.* I am a maſter printer; I was at the meeting at the York Hotel: My men left me on the 7th of April.

Q. Was that after the maſters had returned their anſwer?—*A.* Yes.

Q. Was Clifton one of your men?—*A.* Yes; he ſtruck with two others; I call it ſtriking, becauſe he left me without notice.

Q. Did you ſee, in the courſe of that day, Clifton and Atkinſon together?—*A.* I cannot ſay that I ſaw them together, but Atkinſon called at my office, and aſked for him; I called him, but did not ſee them together; the men ſtruck that very evening.

Q. Do you know of any note being ſent to your office?—*A.* Not to my knowledge.

Q. Did your trade ſuffer any obſtruction from it?—*A.* Yes; very great, for a conſiderable time ſince.

Q. Do you know whether the trade in general has been obſtructed from this ſtriking?—*A.* From what I can learn, it has very much.

Mr. Raine. Q. This was after the month which had been allowed for negociation?—*A.* Yes.

DEODATUS BYE *ſworn.—Examined by Mr. Knowlys.* I am a printer: My journeymen preſsmen left me on Eaſter Tueſday laſt, ſomewhere about the 10th of April.

Q. In conſequence of that, was your buſineſs individually prejudiced?—*A.* Very much ſo.

Q. How long did your buſineſs continue deſerted by your men?—*A.* Till about a week previous to Whitſun holidays.

Q. How have you been able to reſtore to yourſelf the power of getting men?—*A.* My buſineſs preſſed me ſo much, I was obliged to comply with their requiſition.

Q. Upon your oath, did you comply with their requeſt from a conviction of it's propriety, or from the impoſſibility of conducting your buſineſs without?—*A.* I could not conduct my buſineſs without.

Croſs-examined by Mr. Hovel. Q. Were any of the defendants in your employ at that time?—*A.* Yes, two of them.

Q. The

Q. The preſent defendants?—*A.* No, none of theſe gentlemen here.

Q. Did you give your aſſent to the propoſitions relative to the out-door apprentices?—*A.* No, I did not.

Q. I beg you to recollect yourſelf?—*A.* I did not; I did not underſtand the propoſals, they were unintelligible to me.

Q. Are you ſure you underſtand me?—*A.* Yes.

Q. Were they ſent to you?—*A.* Yes, in a very rough manner.

Q. Be ſo good as look at that? *(ſhewing him a paper)*—*A.* That is my hand-writing. As far as I underſtood it, we agreed to the propoſals delivered by the preſſmen to the maſters, on the 10th of March laſt, but I really did not comprehend what they meant; I agreed to it, but I did not think it reaſonable.

Mr. Knowlys. Q. Did you expreſs any conſent to this, till you were in abſolute want of men to carry on your buſineſs?—*A.* By no means whatever.

MATTHEW BROWN *ſworn.—Examined by Mr. Jackſon.* I am a maſter printer; my men did not ſtrike till the 7th of April, they left me without notice.

Q. That was after the anſwer of the maſters had been given?—*A.* Yes.

Q. Do you know if any letter came to your houſe?—*A.* No; I cannot ſpeak to that, I have every reaſon to believe there did, but I cannot ſwear to it.

Q. Did you receive any injury in your trade from it?—*A.* Yes; I do, at this moment.

Croſs-examined by Mr. Raine. Q. I believe, after the 10th of March, a month was agreed upon for the maſter's anſwer?—*A.* Yes.

Q. And your men did not quit your ſervice till that month was expired?—*A.* No, they did not.

Mr. Knapp. May it pleaſe your Lordſhip, Gentlemen of the Jury. At this late hour of the day, it falls to my lot to addreſs you upon the preſent occaſion, in behalf of thoſe defendants, who are called in this indictment, and who are proved to be, journeymen preſſmen.

Gentlemen, this cauſe has been uſhered to your notice, with all the zeal and all the ability that this Court could produce; and give me leave to ſay, the learned Gentleman who opened this cauſe, has a little outſtepped his uſual outgoings, in his opening of this caſe. Gentlemen, I have attended this Court a ſeries of years, and do aſſure you, upon my honour, I never heard from my learned friend, or any one in his place, a ſpeech more inflated with a zeal borrowed from his clients, than the one with which he introduced the preſent cauſe. But I have the happineſs to addreſs twelve gentlemen, ſelected in the uſual way, who have lent their attention to every circumſtance that has been given in evidence, and given it all the conſideration that they were called upon to do; and therefore, upon that circumſtance alone it is, that I feel myſelf confident in the event of the conflict which is now before you, that it will be fortunate to the preſent defendants.

Gentlemen, my learned friend ſet out with ſtating to you, that he repreſents a body of uſeful and reſpectable gentlemen, whoſe zeal for the public intereſt is, perhaps, only exceeded by the riches they poſſeſs. Gentlemen, in what character do I appear before you? I repreſent a body of honourable and uſeful mechanics, who have a right to a claim of juſtice at your hands, and I am ſure you will give every effect to the evidence that you can, in their favour.

Gentlemen, my learned friend has not conducted himſelf as he uſually does in other caſes, with obſerving upon the ſort of conſpiracy ſtated upon this record; but, I ſuppoſe, in order to inflame your minds, to lead you away from the true point in the cauſe, he has thought fit to ſtate to you that which I confeſs I never before heard ſtated in a Court of Juſtice, that conſpiracies of a nature like the preſent, have been examined over and over again, and ſifted to the bottom for twenty years laſt paſt, in this Court and others. Gentlemen, do I deal hardly with my learned friend, when I ſay it is unuſual, when I ſay it is a ſort of argument, that he ſhould not have uſed upon this occaſion, he having introduced to your notice, that which does not belong to the cauſe; becauſe he hopes, from the weakneſs, I ſuppoſe, of the evidence in the cauſe, with the aſſiſtance of the zeal that he has diſplayed, and obſervations that do not belong to the cauſe, to bring you to that concluſion, which I undertake to ſay you cannot come to after the obſervations that I ſhall make.

Gentlemen, my learned friend ſets out with ſtating to you, that this, which is called a Friendly Society, has other objects in view, and he would inſinuate, though he has not proved it, that, from the evidence that he has been given, you muſt come to the concluſion, that they had no other object, but that of diſtreſſing their maſters, and obſtructing the trade. Gentlemen, is that fair argument againſt honeſt and induſtrious men, who have deſerved well of their maſters, for that is the character given by his own maſter of one of them, and which I have no doubt they all poſſeſs. Gentlemen, have you lived in this great metropolis long enough to be totally ignorant, or have you lived long enough to know what the objects of a Friendly Society are, and that it is a benefit to a claſs of poor mechanics, who have loſt their bread, and have nothing to depend upon but their brother workmen, who are earning, by the ſweat of their brow, a ſmall pittance for their families. Have not you learned, that that is a laudable undertaking, it is for the advantage of the lower order of mechanics, and if it is carried on for the purpoſes for which it was inſtituted, moſt undoubtedly nobody could complain of it.

Gentlemen, I hold in my hand, the articles of this ſociety, and they are entitled, "Articles to be obſerved by the Society of Journeymen Preſſmen, held at the houſe of Mr. Amory, at the Crown, near St. Dunſtan's Church, Fleet-ſtreet;" and then it proceeds to ſtate, in italicks, what is the purpoſe of their inſtitution; it ſays, "A number of preſſmen having entered into a ſociety the better to ſupport the trade."—Now look a little, gentlemen, do you think this ſociety, which profeſſes to ſupport the trade, can have any idea of doing that which my learned friend would impute to them, that

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of deſtroying the trade; but here you ſee their inſtitution was for the purpoſe of better ſupporting the trade, "and thoſe that are diſtreſſed."—Look at it, gentlemen, is it a wicked, or a criminal thing, to aſſiſt the diſtreſſed? And I am extremely happy to be able to ſtate the humanity of theſe perſons, that they have the opportunity and the inclination to aſſiſt their poor diſtreſſed brethren in trade. Then it goes on, that they thought it neceſſary to bind themſelves together under the articles thereto ſubjoined. Gentlemen, it does not belong to my practice to ſtate, at great length, to you, that which, perhaps, in the end, may not be very material, and therefore, I will not purſue article by article, the contents of this book; not that I could have any objection, but it would be needleſs to take up your time. Now, Gentlemen, look at the inſinuation that is caſt out; to ſupport the trade is the original purpoſe of the inſtitution, and yet my learned friend would have you believe they mean the deſtruction of that trade upon which they live, upon which they feed, and by which they maintain their families. But, Gentlemen, I think, when you come to draw your concluſions upon the ſubject, you will be of opinion, that thoſe who wiſh to live by a trade, will not aſſociate for its deſtruction.

Gentlemen, my learned friend begins with the meeting at the York Hotel, as if nothing had happened before. Gentlemen, had it its origin there?—Not one queſtion to that point is put by the learned gentlemen, all three of them, anxious enough to call to their aſſiſtance both evidence that has been determined to be inadmiſſible, and that which has been admitted. Zeal, ſuch as I have ſeen to-day, I never before ſaw, eſpecially in a caſe where the puniſhment of the delinquency is to be ſo great, for this Court has the power of fine and impriſonment—nay, I believe, has the power of ſubjecting to the pillory thoſe men who have been proved, by their own maſters, to be ſkilful workmen, and to have conducted themſelves honeſtly and laborioufly.

Now Gentlemen, before we come to the York Hotel, (for I take it up at a date conſiderably antecedent to the time of that meeting), had there been any diſpute in the trade?—Oh, yes, there had.—Had there been any negociation ſet on foot before that meeting?—Oh, yes, there had, at the Globe.—Had there been any meeting before that?—Oh, yes, there had.—Why then let us look a little at the conduct of the maſters, and of the journeymen.—Here are letters paſs, a correſpondence takes place.—The defendant, Atkinſon, acted as ſecretary to this Friendly Society, which was a mere benefit ſociety, and a laudable inſtitution, and they themſelves think fit to apply to their maſters, and their maſters afterwards ſend to them, giving them reaſon to expect and hope every thing from them, and deſiring that a perſon from their committee, (which the maſters knew had been inſtituted many years before), might meet themſelves to take into conſideration—what?—The ſubject matter of this conſpiracy;—Oh, ſay they, but you call them delegates.—Why, Gentlemen, what magic is there in the word delegates? the maſters deſiring that a delegation from their journeymen might attend them to take into conſideration the diſpute between them, and ſee whether it could be amicably adjuſted.

Now let us look what has been the conduct of theſe men, and ſee whether they have been inclined to rip up, by the roots, that trade in which they are engaged.—Why then, at the Globe meeting, you have it come out, that there was an enmity ſubſiſting between the maſters and the journeymen; that they went before the Grand Jury at the next Seſſions to prefer a bill of indictment for a conſpiracy; that they took up one with a warrant and committed him to priſon, when there was no chance of his running away, becauſe his family, and every thing that was dear to him, remained here; the negociation was ſtill on foot, another meeting was deſired by the maſters with the journeymen, which was held at the York Hotel, and there, though not in terms, yet in ſubſtance and effect, the ſame conduct was obſerved as at the Globe.—Did the negociation ceaſe? It did not.—There were propoſitions ſubmitted, which the maſters muſt have thought reaſonable; becauſe, no other man living, who has attended to the caſe, can think them unreaſonable; a month was given to them to conſider, and not till the expiration of that month do we hear of their taking it into conſideration, or giving it an anſwer. During that month the men had returned to their work; and it was underſtood, between the maſters and the men, that at the expiration of that month, there ſhould be an end of the negociation; the maſters then conceived that they were, at that moment, at liberty to take up theſe deluded wretches; I ſay deluded wretches, becauſe they have deluded them, and made them the objects of proſecution.

Gentlemen, with what demeanour, and in what terms, did the journeymen conduct themſelves in their different meetings during the negociation?—Was it in terms of enmity, or rancour; were they inſolent to their maſters, or did they conduct themſelves as only wiſhing to have relief from what they conceived to be an injury, and with all the decency belonging to their character?—Why then is this to be called a conſpiracy; here are invitations from the maſters to ſettle a diſpute that had been long ſubſiſting between them.—Will you not then ſuppoſe, that theſe men were to conſider themſelves diſengaged as at the beginning of the negociation; and that, upon the faith implicitly obſerved between them, they were not to be brought into a Court of Juſtice. They had, themſelves, promiſed that no advantage ſhould be taken of them, and that they would be their friends. Gentlemen, Is this being their friends?—Is it thus that they take no advantage of them?—It ſeems to me, that you will all anſwer in a chorus with me, that the maſters have taken advantage of them; they do not think it to their intereſt to liſten to them, and therefore they inſtitute a proſecution. Would any of you have expected, after what you have heard, that a proſecution would have been inſtituted after ſo long a negociation? I know what your anſwer will be from the attention you have given to the evidence. It appears, upon the evidence, that theſe men have actually been endeavouring to renew the negociation, after this proſecution was inſtituted for this dark, this vile, this wicked conſpiracy, which had for its origin to root up the trade, and deſtroy every thing that is valuable in our commerce.

Gentlemen, Let us go along with the maſters a little further, and ſee what their conduct is—My learned friends thought it neceſſary to put them upon their character in

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the world, and upon their wealth; I am not at all diſpoſed to quarrel with their characters, or with their wealth, but, in my turn, I put my clients upon their characters.—Gentlemen, within four days of the termination of that negociation, they inſtitute a proſecution, after the negociation had been wiſhed to be continued on the part of the journeymen; they would not hear any thing the journeymen had to ſay upon the ſubject, but they think fit to find a bill on a Friday, and on the Saturday they take up one of his Majeſty's peaceful ſubjects upon a Bench Warrant, and impriſon him till the Monday; and would have impriſoned the others, but, I believe, the truth was, that they could not find them when they wanted them; and now they make a merit of letting them be out upon bail—Is peace then all they deſire, or is there not a malignant ſpirit that ariſes in their minds?

Gentlemen, my Lord, in the courſe of this trial, has hinted to my learned friend and me, that, with reſpect to the law of this caſe, there can be no doubt, becauſe he ſays, which I admit, that, even perſons conſpiring among themſelves to do a lawful act, is an offence that the law is cognizant of; moſt undoubtedly, I admit the law, as I am bound to do, when it is laid down by ſo great an authority.—But, Gentlemen, I do not go upon the law of the ſubject, except as it accompanies the fact; and I ſay, in order to conſtitute this a conſpiracy, the thing itſelf in its origin muſt be unlawful, and, that they muſt have had an intention to do thoſe overt acts, which it is ſtated they did; and if you can find that they originally intended to diſturb the whole trade, and ruin themſelves, it ſeems to me, you will be doing more injury to plain facts, than any Jury that ever ſat in a Court of Juſtice have yet ventured to do.

Gentlemen, it may not be known to you, but it is well known to my learned friend who ſits here, that, by the Charters of the City of London, if any money is given to an apprentice to do the work of a journeyman, it will break up the indentures, and both maſter and apprentice ſhall be diſfranchiſed. Gentlemen, you will find that in an Act of Common Council, paſſed the eighth of Henry VIII. Now is that a reaſonable ſort of ordinance, or is it not?—No money was to be paid to an apprentice—Why?—Becauſe the City of London had for it's object, to protect the trade in general, and it could not protect the journeymen while it allowed the maſters to pay the apprentices that which, if it was otherwiſe applied, would go into the pockets of the journeymen; and therefore it ordained, that they ſhould not have wages, or if they had, it ſhould diſfranchiſe the perſon apprenticeing, and the perſon apprenticed. In this caſe, you find that one of theſe gentlemen was not content with having four apprentices, but muſt extend the number to five, one in doors and four out—You will ſee, Gentlemen, alſo, that, by this ordinance of the City of London, they had another good object in view, they wiſhed to ordain, that apprentices ſhould always be boarded with their maſters, becauſe they ſhould be under the controul of their maſters, otherwiſe, perſons of young and tender years would be liable to go aſtray, they would be liable to get into bad company, and commit thoſe ſort of depredations, which would make them liable to the pains of the law.

Now Gentlemen, let us ſee whether the mutual intereſts of the journeymen and maſters go hand in hand, becauſe my learned friend ſays, the maſter printers have nothing in view but the welfare, the good order, and the intereſts of the journeymen—their intereſts are inſeparable—Can you ſay their intereſts are inſeparable, when you ſee what they do, when the maſters are paying to apprentices, who work out of their houſe, a poundage upon that work, which would otherwiſe, moſt undoubtedly, go to the journeymen?—The more out door apprentices they can get, the leſs journeymen they would want, and the poor claſs of men that I repreſent, would be obliged either to ſtarve, or ſeek another employment; therefore it was, that the journeymen, in a decent manner, thought proper to enter into a negociation with their maſters, upon the ſubject; and that is the crime for which theſe men, honeſt in their line of life, are called upon here to anſwer to-day; for you to ſay, whether you will doom them to the horrors of the place oppoſite to me, or whether you will reſtore them to their buſineſs, and to their families.

Gentlemen, it appears in evidence, that at their meeting, the words, criminal proſecution were mentioned; nothing of a criminal nature was to be purſued againſt them; we will promiſe you not to inſtitute any criminal proſecution; and then, like ſerpents, we will turn round upon you, and, as the Scripture ſays, out of your own mouths we will convict you.

Gentlemen, have I made fit obſervations upon this caſe; if I have, for God's ſake, reſtore theſe men, that they may bring to a ſenſe of juſtice their maſters, and let them be put upon a footing with journeymen of every other trade and deſcription of commerce.—Gentlemen, I wiſh it to be underſtood, that I caſt no imputation upon them, but we are all liable to miſtake; and I ſay, the maſters, as a body, have been miſtaken in their conduct. Gentlemen, my learned friend has made this offer, if you will return to your duty as you have hitherto conducted yourſelves, and ſubſcribe to the regulations which we have made, we will give up the proſecution.—Now Gentlemen, let us ſee whether juſtice calls upon us ſo to do; for if juſtice does not call upon us ſo to do, I am ſure you will not.—Firſt of all, is the deſire of the journeymen reaſonable or not? Is it reaſonable to ſuppoſe, that journeymen, who have, many of them, perhaps, entered into the holy eſtate of matrimony, will ſubmit to give up a part of their profits to younger hands, while they look upon their families, and ſay, we muſt ſtarve.—Do I look at humane, calm, diſpaſſionate, well-judging, minds?—Am I addreſſing myſelf to Gentlemen who have been in a Jury-box, in a Court of Juſtice, before? Am I addreſſing myſelf to Gentlemen who feel no prejudice on either ſide? Am I addreſſing myſelf to Gentlemen who wiſh, and ſeek for nought but juſtice in every verdict they give; if I am doing ſo, (and I have no reaſon to doubt it), I am ſure you will be of opinion, that if this is what the journeymen aſk and deſire, they deſire nothing more than any ſubject of his Majeſty has a right to petition, even his Majeſty himſelf for; they, having toiled through the moſt laborious part of their buſineſs, at a time of life, when many of them, perhaps, may not have youth on their ſide, they aſk for that pittance which, by law, ought not to be given to an apprentice, and which would otherwiſe go into their own pockets—Is that reaſonable, Gentlemen? I am now appealing to your humanity, is it reaſonable, or is it not?—Now, Gentlemen, I will make them an offer—if they

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will conſent to limit the number of apprentices, the men ſhall return to their work.—It is quite beſide the queſtion, whether theſe men are guilty of a conſpiracy or not; but as offers are the faſhion, that offer I give to them.

Gentlemen, it does ſeem to me, after the obſervations that I have made, that your verdict, if you give it for the proſecution, muſt be given upon this ground, that, going to bed with as peaceful ſlumbers as ſurround you each night when you do go to bed, you can believe that theſe men intended to limit the number of apprentices by going through thick and thin, to make the maſters do that which the proſecutors inſinuate. Gentlemen, I am ſure that every part of this caſe that has been repeated before you, has been attended to by you, with that attention, that will do honour to you ſo long as you live; but I will juſt read to you the language of the maſters at the Globe Tavern; the men ſay, "We hope, gentlemen, you do not mean to take any advantage of us, on account of the part we have taken in the buſineſs, with a view to bring about an amicable adjuſtment of the diſpute." In anſwer to which, the maſters ſay, "No, by no means, we hope you will not think ſo, God forbid that we ſhould attempt it."—Thus, you ſee, making an appeal to our Maker, that they would not take any advantage of it, and yet a caſe of a criminal nature is brought before you for your conſideration. — Gentlemen, they do not ſtop there, but they go on to tell them that they were perfectly ſatisfied with their conduct, and were very happy in having met with ſo reaſonable a ſet of men, telling them at the ſame time, that they might depend upon it they would be their friends; and yet, Gentlemen, they have done what I have deſcribed to you.

Gentlemen, I beg pardon for having detained you ſo long—I have made ſuch obſervations as have occurred to me upon this caſe, and it ſeems to me impoſſible, under the circumſtances of this caſe, for men, acting upon their oaths, to pronounce a verdict of guilty.

Summing up.

Court. Gentlemen of the Jury. The charge imputed to the preſent defendants, by the law of this country, is a very heinous crime, and is properly ſo conſidered, becauſe the conſequences of it muſt be very fatal to ſociety; nothing can be more injurious to ſociety, than men meeting privately to do injury to large bodies of men, therefore it has at all times been conſidered, by the law of this country, as a very ſerious offence. In the preſent inſtance, it not only affects the peace of ſociety, but alſo the commerce of the country, and for that reaſon is puniſhed by very ſevere penalties. When, on the one hand therefore, you find the intereſts of ſociety affected by it, and on the other, ſevere penalties attached, it becomes a very ſerious caſe for the conſideration of a Jury.

The learned Counſel has gone very much into the nature of the propoſitions made by the men to the maſters, and has given you to underſtand that they are good and wiſe propoſitions, and that they could not do wrong upon thoſe propoſitions. Now, the law is decidedly the reverſe of that, for, even if you believe that they united together to do a good and uſeful act, the mode which they take to execute their purpoſe, is by a conſpiracy, and that, in all the books, is held to be a conſpiracy. You have had a ſpeech from the Counſel, as if he had been addreſſing the Houſe of Commons at the bar of that Houſe, upon the merits of the queſtion. I forbear at all to go into the queſtion, whether it is a fair or reaſonable propoſition; and as to the queſtion, whether it has been an improper proſecution, and brought from improper motives. It has been proved on all hands, that a great part of the journeymen have ſtruck; I therefore, do not think, that the proſecution brought by the maſters, is to be reprobated under theſe circumſtances; but I wiſh you to try this cauſe with all the temper you can, neither taking a prejudice in favour of the maſters or of the men; while they conduct themſelves peaceably and with good order in ſociety, they are both valuable; journeymen are as neceſſary to the public in trade as the maſters, and therefore as long as they conduct themſelves with propriety on the one ſide, and on the other they deſerve to be reſpected; if they do not, but go the length of offending the laws, they muſt take the conſequence. The only queſtion is, whether theſe five men have offended the law in the way that I have ſtated, namely, that they have conſpired to injure and obſtruct the trade of their maſters.

In the firſt Count is contained a ſpecial charge, which I muſt ſay, the evidence does not prove; but I think the evidence does prove the general Count; and if that is made out to your ſatisfaction, it will be an offence for which they are anſwerable.

Gentlemen, I ſhall ſtate ſhortly the points to which your attention ought to be directed. I think it appears by the evidence, that after the 7th of April, when the agreement was at an end, and they refuſed to come to terms, a great part of the men ſtruck; now, if they did ſtrike, that was certainly an act that tended to impoveriſh the trade; and if ſo, the next queſtion is, whether, in conſequence of any proceeding which took place by Atkinſon, or any of the defendants at the bar, that took place which is ſtated upon the evidence; for, upon this indictment, ſuppoſing any one of them to have acted in concert with the other, the crime is made out againſt them. You have been told that theſe people have been acting as a benefit club; theſe men might have a benefit club, but it does not at all follow, that purſuing that benefit club, they might not do the acts ſtated upon the indictment; they may have taken the advantage of that meeting to apply it to other purpoſes, which are illegal, therefore it is for you to collect from the whole of the evidence, whether theſe five perſons, who appear to be members of that club, did take that part which is imputed to them; and if you think you can fairly draw that concluſion, you will find them guilty; but if you are not ſatisfied, that there was that ſort of concert, and that in conſequence of their recommendation the parties ſtruck, you will acquit them. *Here the learned Judge ſummed up the evidence, and the Jury pronounced their verdict* All five GUILTY.

Tried by the London Jury before Mr. RECORDER.

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The SESSIONS *being ended, the* COURT *proceeded to* GIVE JUDGMENT *as follows:*

Received ſentence of Death—8.

James M'Nell, George Clarke, Charles Davis, Suſan, otherwiſe Sarah Skelton,
John Crawford, George Singures, Samuel Bamber, Elizabeth Starenaugh,

Tranſported for fourteen years—1.——Joſeph With.

Tranſported for ſeven years—15.

Mary Atkins, Jacob Jonas, Philip Page, William Ortmandeberg, Patrick Daſey,
Robert White, John Innes, Mary Evans, Richard Palmer, Robert Luſby,
Elizabeth Smith, Joſeph Smith, William Ellis, William Thompſon, William Wilſon.

Confined twelve months in the Houſe of Correction, publicly whipped, and diſcharged—2.

Richard Jackſon, Samuel Serle,

Confined twelve months in the Houſe of Correction, and fined 1s.—1.——William Green.

Confined ſix months in the Houſe of Correction, publicly whipped, and diſcharged—1.—Francis Payne.

Confined ſix months in the Houſe of Correction, and fined 1s.—5.

William Oakley, Mary Williams, James Baker, Charles Godfrey, Mary Mole.

Confined ſix months in Newgate, and publicly whipped 100 *yards near his own dwelling in Golden-lane*—1.

Edward Clarke.

Confined one month in Newgate, and fined 1s.—1.——Mary-Ann Winter, otherwiſe Stone.

Whipped in the jail, and diſcharged—2.——John Hutt, Mary Bowmana.

Judgment reſpited—6.

George Renny, Edward Atkinſon, John Turk, Luke Ball, Nathaniel Lynham, John Warwick.

The Seſſions were adjourned till Wedneſday, September 12, 1798.

INDEX.

The Figures refer to the Page.

Atkins Mary — 446
Aberall Jane — 439
Atkinſon Edward — 481
Butler John — 435
Baker James — 450
Bamber Samuel — 457
Burke Thomas — 474
Ball Luke — 481
Bowmana Mary — 452
Collins John — 439
Crawford John — 462
Connor John — 451
Cummins Martha — 461
Clarke George — 475
Clark Edward — 480
Cook John — 476
Davis Charles — 437
Daſey Patrick — 458
Day John — 442
Dukeſon Mary — 478—479
Ellis William — 446
Evans Mary — 459
Forſyth Elijah — 440
Fitzgerald Mary — 461
Godfrey Charles — 450
Gilbert John — 472
Green William — 444
Hutt John — 447
Innes John — 453
Jonas Jacob — 446
Jackſon Richard — 449
Kelly William — 441
Kilgannon Dominick — 467
Luſby Robert — 448
Lynham Nathaniel — 481
Marlow Sarah — 438
Murphy Mark — 438
Mole Mary — 451
Murray Edward — 451
M'Nell James — 475
Niblett Henry — 466
Oakley William — 445
Ortmandeberg William 452
Palmer Richard — 453
Pinner Jane — 439
Page Philip — 451
Portees John — 442
Peachy Joſeph — 462
Renny George — 448
Starenaugh Elizabeth — 437
Sewell James — 436
Serle Samuel — 449
Skelton Suſan — 456
——— Sarah — 456
——— William — 456
Singures George — 457
Smith Randall — 444
——— Joſeph — 478
——— Elizabeth — 451
Stone Mary-Ann — 472
Tarrant John 460—461
Turnbull James — 461
Thompſon William — 462
Turk John — 481
Wilſon Thomas — 435
——— William — 476
With Joſeph — 453
Williams Mary — 450
White Robert — 459
Winter Mary-Ann — 472
Warwick John, — 481

End of the Sixth Seſſion.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery

FOR THE

CITY OF LONDON,

AND ALSO,

The Gaol Delivery

FOR THE

COUNTY OF MIDDLESEX,

HELD AT

JUSTICE-HALL, IN THE OLD-BAILEY,

On WEDNESDAY, the 12th of SEPTEMBER, 1798, and following Days,

BEING THE SEVENTH SESSION IN THE MAYORALTY OF

The Right Hon. SIR JOHN WILLIAM ANDERSON, BART.

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

WILLIAM RAMSEY,

AND

Publiſhed by Authority.

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1798.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery

FOR THE

CITY OF LONDON, &c.

BEFORE Sir JOHN WILLIAM ANDERSON, Bart. LORD MAYOR of the CITY of LONDON; the Right Honourable Sir ARCHIBALD MACDONALD, Knight, Lord Chief Baron of His Majeſty's Court of Exchequer; Sir WILLIAM HENRY ASHHURST, Knight, one of the Juſtices of His Majeſty's Court of King's-Bench; Sir GILES ROOKE, Knight, one of the Juſtices of his Majeſty's Court of Common Pleas; Sir JOHN WILLIAM ROSE, Knight, Serjeant at Law, Recorder of the ſaid City; JOHN SILVESTER, Eſq. Common-Serjeant at Law of the ſaid City; and others, His Majeſty's Juſtices of Oyer and Terminer of the CITY of LONDON, and Juſtices of Gaol Delivery of NEWGATE, holden for the ſaid City and County of MIDDLESEX.

London Jury.	*Firſt Middleſex Jury.*	*Second Middleſex Jury.*
Joſeph Portal,	Henry Malpas,	Joſeph Aſhley,
Thomas Purvis,	John Mallard,	Benjamin Evans,
Joſhua Payne,	Edward Chandler,	John Robſon,
James Abbiſs,	George Clarke,	Joſeph Elwick,
Joſeph Sharratt,	Ralph Mills,	Robert Davies,
Charles Cooper,	Thomas Sharland,	James Nicholas,
John Davey,	Edward Southbrook,	Francis Lye,
Samuel Sampſon,	John Eaton,	John Read,
William Cozins,	John Nicholas,	James Chapple,
John Freeman,	John Mackell,	Richard Vincent,
Robert Trueman,	James Nelſon,	Thomas Jackſon,
William Parr.	Alexander Henderſon.	Robert Haydon.

467. MARIA HESTER and MARGARET GREEN were indicted for feloniously ſtealing, on the 17th of May, in the dwelling-houſe of Benjamin Bartram, a Bank-note, value 2l. another Bank-note, value 1l. the property of the ſaid Benjamin.

(The caſe was opened by Mr. Knowlys.)

ANN BARTRAM *ſworn.—Examined by Mr. Knowlys.* My huſband keeps the Caſtle, at Ealing: On the 17th of May, between two and three o'clock in the afternoon, the two priſoners came into our houſe, they were neighbours of mine; an old lady came in while they were there for change for a two pound note; Mrs. Green ſaid, I wiſh that money was mine; I ſaid, ſhe would not be the better for that; Mrs. Green ſat down by me, nearer to me than Mrs. Heſter; I gave change for the two pound note, and put the note into a nutmeg-grater, there was a one pound note in it before; both the priſoners ſaw me put them in; I put the nutmeg-grater down upon the table where I was at work in the bar; I turned out of the bar to draw ſome beer, I deſired my mother to draw it, and when I came back Mrs. Green ordered me to go for a ſlice of cheeſe; I left them alone in the bar, and went into the next room for the cheeſe; the door was ſo ſituated that nobody could have come into the bar without my ſeeing them; and when I came back with the cheeſe, they were going out of the bar-door. I did not miſs the grater till an hour after, I thought I had put it in my pocket; there had been nobody in the bar but my mother; my huſband came in very ſoon after, and I told him of it. I never found the grater, nor I ſhould not know the notes.

Croſs-examined by Mr. Gurney. Q. When was this?—*A.* The 17th of May.

Q. When were they before the Juſtice?—*A.* A fortnight and three days after.

Q. Your huſband went to Mrs. Heſter the ſame evening?—*A.* Yes.

Q. You had put the grater upon the table?—*A.* Yes.

Q. You thought you had put it in your pocket?—*A.* Yes.

Q. And it might have dropped out?—*A.* Yes, but that it certainly never did.

BENJAMIN BARTRAM *ſworn.—Examined by Mr. Knowlys.* I came home between five and ſix o'clock, and my wife acquainted me with her loſs; in conſequence of that I went to Mrs. Heſter, I aſked her if ſhe had ſeen a little nutmeg-grater box, containing a one pound note and a two pound note; ſhe ſaid, no, ſhe had not ſeen any thing at all of it; afterwards I went to Mrs. Green, and ſhe ſaid, ſhe had not ſeen any thing of it; the notes have never been found ſince.

WILLIAM FRISBY *ſworn.—Examined by Mr. Knowlys.* I live at Kew: On the 17th of May, between five and ſix o'clock, I was going to Ealing, I called in at Mrs. Heſter's houſe, and ſhe and her huſband were at tea, and Mrs. Green with her; Mrs. Heſter aſked me if I would tell her what value thoſe two notes were; I took the notes of her, and told her one was a two pound note, and the other a one pound note.

Croſs-examined by Mr. Gurney. Q. This poor woman cannot read?—*A.* No.

Q. She had received ſome notes, and wiſhed you to tell her what they were, that ſhe might know if they were right?—*A.* Yes.

The priſoner, Heſter, left her defence to her Counſel, and called four witneſſes, who gave her a good character.

Both NOT GUILTY.

Tried by the firſt Middleſex Jury, before The LORD CHIEF BARON.

---

468. SARAH LISTER, otherwiſe EGERTON, and JANE WILLIAMS, otherwiſe HOWARD, were indicted for feloniouſly ſtealing, on the 14th of February, eight veils, value 8l. and forty lace crownings, value 6l. the property of Moſes Lany, privately in his ſhop.

MOSES LANY *ſworn.*—I live in Taviſtock-ſtreet, Covent-garden, I keep a lace-ſhop. The priſoners came to my ſhop on the 14th of February laſt, about four o'clock in the afternoon, in a hackney coach; there were two ladies in the ſhop looking at ſome black veils, there was nobody to attend the ſhop but myſelf, I ſerved the two ladies, and they went away; I had taken the veils out of a trunk where I keep my goods, the goods at that time were all ſmooth and right; the ſhort one, Williams, ſat down on a ſtool by the end of the trunk, which was ſhut; the other priſoner ſtood between me and her that I could not ſee what ſhe was about; I heard the lid of the trunk open, and they ſeemed to be in a hurry to get away; I came round and ſold them a little bit of lace, they then went away in the coach; I went to put the veils to rights, and return them into the trunk, and then I ſaw the goods all ſcattered about, and rumpled, and then I miſſed eight Britiſh veils made of ſilk, that

coſt

coſt me eight pounds, and a great many crownings that are uſed for children's caps; there were forty or fifty of them gone, they were worth about ſix pounds. I ſaw no more of them till they came to my ſhop again on the 19th of July, there was another with them then; they walked in, and aſked to look at ſome lace hanging in the window. I knew them directly; they bought nothing, and went away; as ſoon as they were gone, Mr. Rivett the officer came in, and I went with him and took them up, but we could not find any thing, becauſe they gave a wrong direction.

Croſs-examined by Mr. Knowlys. Q. Nothing has been found from that time to this?—*A.* No.

Q. When had you counted the veils over?—*A.* Not for ſome time; but I am ſure they were all right when they came in.

JOHN RIVETT *ſworn.*—On the 19th of July, I ſaw the two priſoners, and another woman, go into the proſecutor's ſhop, and come out again, and I was deſired by the proſecutor to take them into cuſtody.

Liſter's defence. I am quite innocent of the affair.

Williams's defence. I am entirely innocent of it.

Liſter called two, and Williams three witneſſes, who gave them a good character.

Both NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. Juſtice ROOKE.

---

469. SARAH LISTER, otherwiſe EGERTON, and JANE WILLIAMS, otherwiſe HOWARD, were again indicted for feloniouſly ſtealing, on the 7th of April, two pair of ſilk ſtockings, value 24s. the property of James Lacey, privately in his ſhop.

JAMES LACEY *ſworn.*—I am a hoſier, in Clement's-Inn: I had four pair of ſilk ſtockings come in, on Saturday the 7th of April, from the makers; they were ribbed, and made on purpoſe for a gentleman. I opened them, my ſon was in the ſhop; after I had opened them, I went into the parlour to dinner; while I was at dinner theſe two women came in, and wanted ſome cotton ſtockings; I opened the cotton ſtockings upon the ſilk ſtockings; they did not buy any thing, but went away; my ſon and I went to finiſh our dinners, and when we came back we miſſed two pair out of the four, and we never heard any more of them till I was ſent for to Bow-ſtreet.

Croſs-examined by Mr. Knowlys. Q. Your ſon was in the ſhop with you?—*A.* Yes.

Court. Q. Could any perſon come in and take thoſe ſtockings without your ſeeing them?—*A.* I am ſure they could not.

Mr. Knowlys. Q. When were you at Bow-ſtreet—the firſt time theſe women were examined?—*A.* No.

Q. Did you not at firſt expreſs ſome doubt that they were the women?—*A.* No, I did not; I knew them as ſoon as ever I ſaw them.

Q. You were half an hour, or an hour, perhaps, before you returned from your dinner to make up your bundle?—*A.* We were not ten minutes.

Q. It was ſome time after they were gone before you miſſed theſe things?—*A.* It was about a quarter of an hour.

Q. Nothing of your property was found upon them?—*A.* No.

Q. Has your ſon any ſhare in the buſineſs with you?—*A.* No.

JAMES-MURRAY LACEY *ſworn.*—I am the ſon of the laſt witneſs: On Saturday the 7th of April, the priſoners came in, and aſked for ſome coloured cotton ſtockings; there were four pair of ſilk ſtockings upon the counter juſt come from the makers; we were at dinner when they came in, and they went away without buying any. When we had done dinner, we went to tie up the ſtockings that they had been looking at, and miſſed two pair of ſilk ſtockings; the ſervant was in the parlour, where ſhe could ſee what paſſed; ſhe is not here.

Both NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. Juſtice ROOKE.

---

470. SAMUEL JACOBS was indicted for feloniouſly ſtealing, on the 12th of July, forty-ſeven yards of ribbon, value 23s. 6d. the property of John Cotterell, privately in his ſhop.

HANNAH COTTERELL *ſworn.*—I am the wife of John Cotterell, No. 82, Whitechapel: On the 12th of July, the priſoner came in to buy a yard and a half of ribbon, I ſhewed him a box of ribbon, I aſked him eight-pence a yard; he ſaid if I would take leſs he would be a very good cuſtomer; after I had cut it, he ſaid he would not give more than five-pence, then he aſked me for ſome more; he then wanted a black box; I ſhewed him a black box; then he wanted the other box back again, and he offered me five-pence again; I told him he was very troubleſome, and then he went away; I ſuſpected he had been robbing me, and I went after him up Angel-alley, I told him he had been robbing me; he ſaid he had not, and I put my hand in his pocket, and took out four pieces of ribbon of mine.

For the Priſoner.

JOHN NOLAN *ſworn.*—*Examined by Mr. Knowlys.* Q. Was the priſoner in his ſober ſenſes at the time?—*A.* I think not; he behaved very indecent in the ſhop when I apprehended him.

Dr. LEWIS LEO *ſworn.*—*Examined by Mr. Knowlys.* The priſoner has been afflicted with lunacy

nacy ſeveral times, he has been in a ſtate of confinement.

JOHN COLLIER *ſworn*.—I live at Hoxton: I have known the priſoner five years, I always looked upon him as inſane.

NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. Juſtice ROOKE.

---

471. JANE CURTIS was indicted for feloniouſly ſtealing, on the 3d of Auguſt, a ſilk cloak, value 3l. the property of John Richardſon, privately in his ſhop.

(The caſe was opened by Mr. Conſt.)

JOHN RICHARDSON *ſworn*.—*Examined by Mr. Conſt.* I am a ſilk-mercer, No. 112, Oxford-road: Mrs. Curtis, with another woman, came to my ſhop, and aſked to look at ſome cloaks; I aſked her the price, and ſhe ſaid about three pounds; I ſhewed her a good many, ſhe at laſt fixed on one for which ſhe was to pay four pounds five ſhillings; I then put it up in a piece of paper, and aſked her if ſhe wanted any thing elſe; and ſhe had enough for a petticoat, cut off a piece of callimanco, that was put into a paper; I then aſked her if ſhe would pay for them, ſhe gave me her addreſs, and deſired me to ſend them home, and ſhe would pay for them in the morning; ſhe ſaid ſhe was not ſure whether ſhe would have that at four pounds five ſhillings, or one at four pounds, but ſhe would ſay in the morning; when the things were put up I thought ſhe looked confuſed; I aſked her again for the money, and Mrs. Hutchinſon, who was with her, ſaid, to be ſure ſhe would pay for them; I began to ſuſpect them, but being genteelly dreſſed I did not like to ſpeak to her; I went after them, and ſaid it was a very delicate thing, but I was afraid ſhe had ſomething more than ſhe ought to have; I then ſaw, under her cloak, my cloak, I took it from her and brought her back, and ſent for a conſtable; ſhe ſaid, ſhe hoped I would not ſend her to priſon, and begged I would conſider her ſituation.

Q. What is the value of your cloak?—*A.* It coſt me three guineas and ſixpence. *(Produces it.)*

Court. Q. How do you know that that is your cloak?—*A.* I know it by the number and the mark, it was the very firſt cloak I had ſhewn her; ſhe objected to it on account of the lace being of a bad colour.

Croſs-examined by Mr. Knapp. Q. You knew Mrs. Hutchinſon?—*A.* I knew there was ſuch a perſon who lives in Oxford-road, they have lived there a long time.

Q. Have you any reaſon to doubt that that perſon who was with her was the Mrs. Hutchinſon who lived in Oxford-road?—*A.* No.

Q. The priſoner at the bar gave you her addreſs?—*A.* Yes, Running-horſe-yard, King-ſtreet, Portman-ſquare; I went the ſame evening to enquire, and found that ſhe lived there.

Q. Did ſhe give you any reaſon why ſhe would not pay for it then?—*A.* Becauſe ſhe had not made up her mind which of the two ſhe would have.

Q. Did ſhe ſay any thing about her huſband at that time?—*A.* No.

Q. Did you find out who her huſband was?—*A.* Yes, a horſe-dealer.

Q. Did not he provide horſes for the King's troops on the Continent?—*A.* I do not know; the people I enquired of ſaid he had been on the Continent.

Q. There were a great many cloaks lying upon the counter?—*A.* Yes.

Q. It might have ſlipped down?—*A.* It might, but it could not have ſlipped under her arm.

Q. Where did you apprehend her?—*A.* She had not got paſt the window.

Q. Was not ſhe looking at ſome articles in the window?—*A.* Yes, ſhe was juſt going to move off.

Court. Q. Did you make any enquiry reſpecting Mrs. Hutchinſon?—*A.* Yes; ſhe anſwered the deſcription of that Mrs. Hutchinſon of Oxford-road, ſhe wore ſpectacles, and is a perſon of very good character.

DAVID ALEXANDER *ſworn*.—*Examined by Mr. Conſt.* I am ſhopman to Mr. Richardſon: The priſoner came into my maſter's ſhop, ſhe looked at a great many cloaks, ſhe fixed upon one and ordered it to be ſent home the next morning; ſhe gave her addreſs, ſhe refuſed to pay for them, ſhe went away, and Mr. Richardſon followed her, I followed him; Mrs. Curtis and Mrs. Hutchinſon were at that time looking in at the window; Mr. Richardſon pulled her cloak on one ſide, and I ſaw the cloak under her arm; he brought her back, and then Mrs. Hutchinſon exclaimed, oh Mrs. Curtis!

Croſs-examined by Mr. Alley. Q. She was looking in at the ſhop window?—*A.* Yes.

Q. That is the way you generally bring cuſtomers in, by placing goods in the window, is it not?—*A.* Yes.

The priſoner called ſeven witneſſes, who gave her a moſt excellent character.

GUILTY (Aged 42.)

Of ſtealing the goods, but not privily.

Tried by the firſt Middleſex Jury, before The LORD CHIEF BARON.

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472. ARTHUR NEAL was indicted for feloniouſly ſtealing, on the 21ſt of Auguſt, a wooden caſk, value 5s. the property of William Gilkes.

(The caſe was opened by Mr. Gurney).

WILLIAM GILKES *ſworn*.—*Examined by Mr. Gurney.*

Gurney. I am a cooper, Old Fiſh-ſtreet-hill, the priſoner was my carman: On the 21ſt of Auguſt, I ſent him to Mr. Wittey's, when he returned he brought four caſks, which I ſaw unloaded; in conſequence of ſome information that I had received from a witneſs of the name of Aldridge, I aſked him how many caſks he had received that morning, he told me four; I told him I had been to Mr. Wittey's, and he ſaid he had delivered him five; the priſoner denied it.

HENRY WITTEY *ſworn.*—I am a ſugar refiner, in Biſhop's-court, in the Old-Bailey: On the 20th of Auguſt, Tueſday morning, about eight o'clock, I delivered five hogſheads to the priſoner for Mr. Gilkes, he purchaſes all our hogſheads.

WILLIAM ALDRIDGE *ſworn.—Examined by Mr. Gurney.* I am a private in the Eaſt London Militia: On Tueſday morning, the 21ſt of Auguſt, I was ſtanding oppoſite Biſhop's-court, and ſaw him receive five caſks; then he drove the cart till he got oppoſite the New Inn, he took one hogſhead out and rolled it down the New Inn yard; he then went into the public-houſe at the corner of the Inn yard, and ſtaid there about twenty minutes, I knew him before; I went to his maſter and told him what I had ſeen, and we found the hogſhead where I ſaw him roll it.

JAMES WESTON *ſworn.—Examined by Mr. Gurney.* I am an oſtler at the New Inn: On Tueſday morning, the 21ſt of Auguſt, the priſoner brought a caſk to the Inn, and ſaid it was for Long Jack, a man of the name of John Law, he goes by that name; he is a carman of Mr. Barvis's on Snow-hill.

JOHN WHITE *ſworn.*—I keep the Four Kings, the corner of the New Inn gate-way: On the morning of the 21ſt of Auguſt, I paid the priſoner four ſhillings for John Law; it has been the conſtant practice to pay money for Mr. Barvis's carmen.

Q. By Law's deſire you paid the priſoner four ſhillings?—*A.* Yes.

Q. What for?—*A.* I do not know.

Q. Upon your oath do not you know?—*A.* No

Q. Did John Law pay you again?—*A.* Yes.

Q. *(To Wittey.)* Have you ſeen the caſk ſince?—*A.* Yes.

Q. Is that one of the caſks you delivered to the priſoner?—*A.* The marks anſwer exactly.

Priſoner's defence. I was rather in liquor; Aldridge owes me an injury theſe four years, becauſe I would not let him rob my maſter; I miſſed the hogſhead before I came home, I did not know how it went.

Aldridge. Croſs-examined by Mr. Alley. Q. How long have you known the priſoner?—*A.* A good many years.

Q. When did you quarrel laſt?—*A.* I never quarrelled with him.

Q. Did not you quarrel about ſome ſcrapings of the caſks?—*A.* No.

GUILTY (Aged 32.)

Tried by the London Jury, before Mr. COMMON SERJEANT.

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473. WILLIAM CATHERY was indicted for feloniouſly ſtealing, on the 16th of July, two hats, value 1l. 1s. the property of Benjamin Rankin.

BENJAMIN RANKIN *ſworn.*—I live in Leadenhall-ſtreet, I am a hatter: On Monday the 16th of July, about three o'clock, as I was ſitting in my parlour at dinner, I ſaw ſomebody run out of my ſhop very quick, and I was as quick in running after them; he ran up by the India warehouſes, which is no thoroughfare; I took him, and found he had two of my hats upon him. *(Produces them).*

Q. There was nobody between you and him after he came out of your ſhop?—*A.* I never loſt ſight of him after I came to the ſhop door.

Croſs-examined by Mr. Gurney. Q. When you got out how far was the priſoner from you?—*A.* About four yards.

Q. I ſhould ſuppoſe, if he was the ſame perſon, he muſt have got farther than that?—*A.* No.

Q. Are there any marks in the hats?—*A.* Yes; I wrote Mr. Combes's name in it, it was bought by Mr. Alderman Combes's brother; I had been at work upon it not five minutes before.

GUILTY (Aged 18.)

Tried by the London Jury, before Mr. COMMON SERJEANT.

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474. DEBORAH NATHAN was indicted for breaking and entering the dwelling-houſe of James Ward, about the hour of eleven in the forenoon of the 18th of Auguſt, Sarah, the wife of the ſaid James, and others of his family, being therein, and burglariouſly ſtealing a linen apron, value 1s. and a linen ſhirt, value 5s. the property of the ſaid James; and a frock, value 5s. the property of Sarah Ward.

SOPHIA FOWLER *ſworn.*—I live with my ſiſter, Sarah Ward, who keeps a ſchool, No. 37, Camomile-ſtreet: On leaving the two pair of ſtairs room about half paſt eleven in the morning, I ſaw a room door open, the priſoner was quite a ſtranger to us; I found her up three pair of ſtairs at the foul clothes bag upon the landing, with ſome articles in her hand; on ſeeing which, I returned down ſtairs and informed my ſiſter; the priſoner ſaid ſhe meant no harm by going there, that ſhe had not got any thing upon her; after a ſhort time, ſhe enquired for Betty Lee; ſhe firſt ſaid ſhe was a ſervant, and then that ſhe lived up three pair of ſtairs; we then ſent for a conſtable, who, upon examining her, found two ſilver tea-ſpoons, which did not belong

to

to us; there was nothing found upon her belonging to us only the ſhirt and frock which I ſaw in her hand; the ſhirt belonged to my ſiſter's huſband, and the frock to their child about four months old.

Q. Was your ſiſter at home?—*A.* Yes.

Croſs-examined by Mr. Agar. *Q.* This is a ſchool-houſe?—*A.* Yes.

Q. And the door always open?—*A.* Yes.

Q. She was at the clothes bag you ſay?—*A.* Yes.

Q. She had not removed any thing?—*A.* She was removing them out of the bag, ſhe was in the act of taking them out; they were not quite out of the bag; ſhe begged and intreated I would let her go, and ſhe would never come up again.

Court. *Q.* How could you ſee them if they were not out of the bag?—*A.* The ſleeve of the ſhirt was out, and the body of the frock was out.

SARAH NORTON *ſworn.*—Mrs. Fowler called me up ſtairs, and I ſaw the priſoner there, ſhe ſaid ſhe wanted Betty Lee; when I went up ſtairs, I ſaw the apron lying upon the floor out of the bag, I had put it in the day before. *(Produces the property.)*

Croſs-examined by Mr. Agar. *Q.* Is this Mr. Ward's houſe?—*A.* Yes.

Q. Has he any partner?—*A.* No.

—— EDWARDS *ſworn.*—I am a conſtable, I was ſent for to apprehend the priſoner; that is all I know of it.

NOT GUILTY.

Tried by the London Jury, before
Mr. COMMON SERJEANT.

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475. THOMAS GRIZZEL was indicted for for feloniouſly ſtealing, on the 30th of Auguſt, a wooden firkin, value 8d. and fifty-ſix pounds of butter, value 2l. 2s. the property of John Bacon.

JOHN BACON *ſworn.*—I am a lighterman, I live in Pariſh-ſtreet, Horſlydown: I loſt a firkin of butter from Temple-alley, at the bottom of St. Dunſtan's-hill, a little after five o'clock in the afternoon of the 30th of Auguſt, there were twenty firkins ſtood in one parcel, I had one hundred and fifty firkins there; we were in the act of lading them into carts, we had landed them out of the lighter, I did not ſee it taken away.

WILLIAM ROGERS *ſworn.*—I am a waterman and lighterman: I ſaw the priſoner go down the alley with a firkin upon his back, he went down Dice Quay, and over Smart's Quay with it; and as he came down the alley, he ſaid to ſomebody, I do not know who, do not ſay any thing; I went and told Mr. Bacon, and then I went after him; he had pitched the firkin before I came up to him.

Q. Are you ſure he was the ſame man?—*A.* Yes.

Q. Did you know him before?—*A.* Not till that day; he was lurking about for half an hour before.

Q. Are you ſure that is the man you ſaw go down the alley?—*A.* Yes, I am very certain of it.

JOHN CLARK *ſworn.*—I am a warterman: About five o'clock in the afternoon of the 30th of Auguſt, I ſaw the priſoner and another man, he was there ſome time; the priſoner went up the alley without any thing, and then he returned with a tub of butter, but whether this is the tub of butter I do not know.

Q. Are you ſure that is the man?—*A.* Yes, I am.

Bacon. I am ſure this is one of the firkins that I had landed there.

GUILTY (Aged 31.)

Tried by the London Jury, before
Mr. COMMON SERJEANT.

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476. HUGH ROBINS was indicted for feloniouſly ſtealing, on the 17th of May, a cotton gown, value 3s. and a pair of cotton ſtockings, value 1s. the property of John Cummings; and a pair of cotton ſtockings, value 1s. the property of John Smith.

The priſoner pleaded GUILTY. (Aged 38.)

Tried by the firſt Middleſex Jury, before
The LORD CHIEF BARON.

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477. SARAH BAKER was indicted for feloniouſly ſtealing, on the 2d of Auguſt, a linen frock, value 3s. and a cotton petticoat, value 1s. the property of Ann Dawſon, ſpinſter.

ANN DAWSON *ſworn.*—On the 2d of Auguſt, I miſſed my little girl from eleven to five in the afternoon: My huſband is a priſoner in the Fleet; and on the 7th of Auguſt, my child came into the Fleet, and ſaid, the woman that took her frock and petticoat from her was gone into an old clothes ſhop, in Fleet-lane; and I went there and took her.

Q. What age is the child?—*A.* Between ſix and ſeven.

ANN DAWSON *ſworn.*—*Q.* What is your name?—*A.* Ann Dawſon.

Q. What is your father?—*A.* A hair dreſſer.

Q. Where is he now?—*A.* In the Fleet.

Q. How long has he been there?—*A.* Twelve weeks.

Q. What do you know about this woman?—*A.* She met me at Blackfriars bridge, in the morning, and ſhe aſked me to go and buy her a half-pennyworth of cherries, and then ſhe aſked me to go and ſit on a bench, and eat them; ſhe aſked me if I would go along with her; I ſaid, yes; and there was a little chaiſe at the door; ſhe aſked me if I ſhould like to have it; I ſaid, yes; then ſhe took me to Maze-pond, and took my frock and ſkirt off.

Q. How do you know the place was called Maze-

Maze-pond?—*A.* Becauſe there was a gentlewoman brought me home, and ſhe ſaid, it was Maze-pond.

Q. How far off was it?—*A.* In the Borough.

Q. Who was the perſon that brought you home?—*A.* Mrs. Saunders.

Q. Did ſhe find you there?—*A.* No; I went to her; ſhe was at work at the door; I aſked her if ſhe would ſhew me the way to the Fleet, and ſhe ſaid, ſhe would.

Q. And did ſhe?—*A.* Yes; ſhe wanted me to have ſome rice pudding; I ſaid, no, I could not eat any.

Q. What did ſhe do with your frock?—*A.* I do not know, I am ſure; ſhe ſaid, ſhe would bring me a new one, a new ſkirt, and a new pair of ſhoes; I ſaid, I ſhould not like to be without a frock; then ſhe put an old handkerchief round me.

Q. What did ſhe do when ſhe had taken the frock and ſkirt off?—*A.* She left me at a door, in Maze-pond.

Q. *(To Mrs. Dawſon).* Have any of the things been found?—*A.* No.

Q. *(To the child).* Are you ſure that is the woman?—*A.* Yes.

Mrs. SAUNDERS *ſworn.*—I live at No. 14, Little Maze-pond; my huſband is a baker; I work needle-work; I was ſitting at my own door at work: On the 2d of Auguſt, about half paſt three o'clock, the child came to me, ſhe had been crying very much; ſhe aſked me if I would ſhew her the way to the Fleet; I told her, ſhe was a great way off from the Fleet; oh dear ma'am, ſays ſhe, my daddy lives in the Fleet, will you take me home to him; ſhe had a ſilk handkerchief croſſed over her arms, and the four corners tied behind; I aſked her, if ſhe was lame; ſhe ſaid, no, a woman had brought her, and took her frock and ſkirt off, and tied that about her, and told her, ſhe would buy her a new one, and give her a new pair of green ſhoes.

Q. Did you ſee any thing of the priſoner?—*A.* No, not till I ſaw her in cuſtody. I took her home, and about a week after, ſhe came with her mother, and ſhewed us the door where the woman had taken her things off.

Q. *(To Mrs. Dawſon).* What day was it you loſt the child?—*A.* The 2d of Auguſt, about eleven o'clock.

Q. When did you ſee this woman after?—*A.* On the 7th of Auguſt, the child came to tell me, ſhe was in Fleet-lane, at an old clothes ſhop.

Q. And you had her taken up?—*A.* Yes.

Priſoner's defence. On the 1ſt of Auguſt, I went to Lower-road, Deptford, and did not return till eleven o'clock at night, the 2d of Auguſt; I know no more of it than the baby unborn; my little boy is at nurſe at Deptford; and Mr. Pettitt is here, I believe, who will ſwear that I was there all that time.

John Pettitt was called, but did not appear.

NOT GUILTY.

Tried by the London Jury, before
Mr. COMMON SERJEANT.

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478. RICHARD PURNELL was indicted for feloniouſly ſtealing, on the 22d of Auguſt, a ſilver watch, value 36s. a pair of cloth pantaloons, value 5s. a cloth coat, value 20s. a cloth waiſtcoat, value 3s. a pair of cotton ſtockings, value 2s. and a pocket-handkerchief, value 3d. the property of John Barry, and a pocket-handkerchief, value 3d. the property of Henry Prager, in his dwelling-houſe.

(The caſe was opened by Mr. Knapp.)

JOHN BARRY *ſworn.*—*Q.* Are you a native of this country?—*A.* No, I am a Dane; I arrived in this country in the Foſter-Barhan, one of the Jamaica fleet, on the 13th of Auguſt, at Graveſend.

Q. There were wages due to you?—*A.* Yes.

Q. Did you know the priſoner previous to that time?—No; he applied to me to lodge with him in London, and I agreed, for twelve ſhillings a week; I arrived in London the next day, the 14th.

Q. Did he apply to any body elſe to take lodgings with him?—*A.* He aſked if there were any more.

Q. Did he come with you from Graveſend?—*A.* Yes, in the Graveſend-boat; I came with him to St. Catherine's.

Q. In what part of St. Catherine's does he live?—*A.* St. Catherine's-lane, near the river.

Q. How long did you ſtay at his houſe?—*A.* Eight days.

Q. Did any thing particular happen to you during the time you ſtaid at his houſe?—*A.* He brought me into bad company.

Q. Do you mean that he introduced you to women?—*A.* Yes. His wife went and fetched a woman from another houſe, and ſhe aſked me to go home with her; I went home with her, and ſtaid with her for five days; I ſlept with her five nights, and came back to his houſe to eat.

Q. Did you give any body a power of attorney to receive your wages?—*A.* Yes; I gave it to the priſoner; he aſked me to give him a power of attorney.

Court. *Q.* How much was due to you?—*A.* Twenty-two pounds eleven ſhillings and eight pence.

Mr. Knapp. *Q.* At the time he made that requeſt, did he ſay any thing elſe to you?—*A.* No, I do not remember that he did.

Q. After theſe eight days had elapſed, what happened next?—*A.* He caſt me twenty-two pounds ſeventeen ſhillings and eight pence.

Q. Did

Q. Did he deliver that bill to you?—*A.* Yes, after he had beat me in his own houſe.

Q. When was that?—*A.* On the 22d of Auguſt; I went in the morning to the captain, and received my wages; he was at home at his lodgings in Preſcot-ſtreet; then I went down to Ann Prager's houſe.

Q. How came you to go to her houſe?—*A.* She was my waſherwoman; ſhe lived in St. Catherine's-ſquare; I aſked her to go along with me and buy me ſome cloaths; and ſhe ſaid, yes, ſhe would go, and we went along, and I bought ſome cloaths, and gave them to her to carry home to her houſe; then I went down from the top of the lane, where I bought my cloaths, to the girl again, and then Purnell's wife came in, and ſhe ſaid, I muſt come home to his houſe; I went home with her to his houſe, but he was not at home; I ſaw him very ſoon after; I went up ſtairs with his wife; I had eleven pounds left in Bank-notes; I gave her them; there was a five pound note among them; and then Purnell came up ſtairs and beat me acroſs the noſe with his fiſt, ſo that the blood ſprung out; then I went down to Mrs. Prager's houſe; and very ſoon after I had got there, he came in and aſked whoſe cloaths they were that were lying upon the table; and Mrs. Prager ſaid, they were her's; they were tied up in a handkerchief of Mr. Prager's; then the priſoner ſaid, I will let you know it is mine, and then he took them away; my waiſtcoat was lying in a chair, and my watch in it; he took the watch out of the waiſtcoat pocket, and he took the waiſtcoat beſides.

Q. How were you dreſſed at the time?—*A.* I had the ſame jacket on that I have now; I had pulled off my waiſtcoat to waſh the blood off of me.

Q. What did the bundle contain?—*A.* A coat, a pair of pantaloons, a pair of ſtockings, and a pocket-handkerchief, and the handkerchief that it was tied up in was Mrs. Prager's; he ſaid, if I would go home with him, I ſhould have my cloaths again; I did go home after him directly.

Q. What happened next?—*A.* I aſked him if he would let me have my cloaths; he ſaid, no, I ſhould not have them.

Q. Did he give any reaſon why you ſhould not have them?—*A.* No, he went out of the houſe directly; I aſked his wife ſeveral times afterwards.

Q. But did you ſee him afterwards?—*A.* Yes, at the Flying-horſe, on the 23d, oppoſite the Juſtice's office; I had applied at Lambeth-ſtreet for a warrant on th e22d in the evening to Col. Williams, and he was taken up; he came to the Flying-horſe, and two or three along with him, and aſked if I was going to make it up; I ſaid, yes, I had no objection if he would give me my things; he ſaid, not till I had paid him his bill; he ſaid, if I would give him two or three glaſſes of wine, he would talk to me.

Q. Had you any other converſation with him?—*A.* No; then I went over to the Juſtice's.

Q. Did you mention at firſt that you had loſt the goods, or did you only complain of the blow that you had received?—*A.* I only took out a warrant for the blow.

Q. After that you mentioned more particularly the whole of the buſineſs?—*A.* Yes, and then the Magiſtrate committed the priſoner.

Q. Have you ſeen the cloaths ſince?—*A.* Yes, I ſaw them at the Juſtice's, and my watch with them.

Croſs-examined by Mr. Knowlys. Q. So this man brought you from on board a ſhip?—*A.* Yes.

Q. I ſtrongly ſuſpect he paid for your catriage to London?—*A.* Yes.

Q. And he occaſionally lent you ſome money?—*A.* He gave me two guineas in money.

Q. Which, I dare ſay, you, like a ſilly ſailor, juſt come on ſhore, ſpent as faſt as you could?—*A.* No.

Q. He bought things for you, did not he?—*A.* Yes.

Q. And paid money for you for different things?—*A.* Yes, in bad company.

Q. He bought you a jacket, did not he?—*A.* Yes.

Q. He bought you ſome ſilk ſtockings, did not he?—*A.* No, ſilk and cotton.

Q. He bought you a ſhirt, did not he?—*A.* Yes.

Q. And blue trowſers?—*A.* Yes.

Court. What might he pay for you in this bad company?—*A.* Four pounds fifteen ſhillings, as near as I know.

Mr. Knowlys. Q. Did not he ſpend a great deal of money in liquor for you in your drunken frolics?—*A.* He paid for liquor.

Q. Then he told you, I believe, that you owed him a great deal of money?—*A.* Yes.

Q. And then he aſked you to give an order to receive your wages?—*A.* Yes.

Q. By that time you had ran up a good ſcore, had not you?—*A.* Yes.

Q. You were a little quicker than him, for you went and got your wages firſt?—*A.* I aſked him if he had ſeen the captain, and he ſaid no, he had been, and he was not at home.

Q. How much did he tell you your bill was?—*A.* Twenty-two pounds ſeventeen ſhillings and eight pence.

Q. It was not till after he learned that you had got your wages from the captain that he gave you that blow upon the noſe?—*A.* No.

Q. He was very angry that you had received your wages?—*A.* I did not know that; he ran up ſtairs, and gave me a blow on the noſe.

Q. Did not you take out the warrant for the

blow

blow upon the noſe, and nothing elſe?—*A.* Yes, the Juſtice would not hear it that night.

Q. What did you get a warrant for, for the blow on the noſe, or for taking the bundle?—*A.* For the blow on the noſe.

Q. You did not ſay any thing about the bundle then?—*A.* They ſaid, if I had any thing more to ſay, I might ſay it to-morrow morning.

Q. You left the ſweetheart he recommended to you, and went to your other ſweetheart, Mrs. Prager?—*A.* No, ſhe was no ſweetheart.

Q. Did not you ſleep there?—*A.* No, I did not.

Q. Upon your oath, did not he ſay he would take that bundle, and keep it till you paid him?—*A.* I did not hear him.

Q. Upon your oath did he not ſay he would keep that bundle till you paid him?—*A.* Not at that time.

Q. He took the bundle to his own houſe?—*A.* Yes.

Q. Did not he ſay, I will keep this bundle till you diſcharge my bill?—*A.* No, he gave it to his wife for her to lock up.

Q. Did he not tell you repeatedly, that when you paid him his bill, you ſhould have your cloaths, and that you ſhould not have them till then?—*A.* No, he did not ſay ſo that I heard.

Q. Upon your oath, did you not tell him, if he would give you your cloaths, you would give him a note upon your return from the next voyage?—*A.* No.

Q. There were perſons there who heard you, now be a little careful; did not you tell him at the Flying-horſe, that you would give him a note for the remainder of his bill, if he would give you up the cloaths?—*A.* He ſaid he would not give them me if I did ſuch a thing.

Q. When you made him that offer to give him a note for the remainder of the money, did not he refuſe it, and ſay, he would not part with the cloaths unleſs you paid him ready money?—*A.* He did not ſay any thing about ready money.

Court. *Q.* Did he not ſay I muſt have my money, or ſomething of that ſort?—*A.* No.

Mr. Knowlys. *Q.* Mrs. Prager was by at the time he took the cloaths?—*A.* Yes.

Q. He made no ſecret of it to her, did he; he took them away before her face?—*A.* Yes, he took them out from under her hand.

Q. I believe the people aſked you at the public-houſe, what you did owe him, did not they?—*A.* I do not remember that.

Q. Did not you ſay at the office that you believed you owed him eighteen or nineteen pounds?—*A.* No, I did not ſay any thing about how much I owed him.

Q. Were you never aſked by any body whether you owed him any thing?—*A.* No.

Mr. Knapp. *Q.* You are ſure that the priſoner took the things in the way in which you have deſcribed?—*A.* Yes.

Q. A great deal has been ſaid of what paſſed at the Flying-horſe—you were anxious to get on board a ſhip?—*A.* Yes.

Q. That was the reaſon you offered him the note, that you might get your cloaths, and not be detained from going on board?—*A.* No.

Q. What was your reaſon then for offering the note?—*A.* Becauſe I wanted to go to ſee if they would let me have my cloaths.

ANN PRAGER *ſworn.—Examined by Mr. Knapp.*

Q. Do you know the laſt witneſs?—*A.* Yes.

Q. You were employed to waſh for him the laſt month?—*A.* Yes.

Q. Were you preſent at the time that he bought any things?—*A.* Yes; he bought a coat, a pair of pantaloons, a pair of white ſtockings, a pocket-handkerchief, and a watch, to the amount of 5l.; he paid for them, and deſired me to bring them home to my lodgings, which I did; when I got home, I put them upon the table, and ſoon after he came in all over blood, and ſoon after that the priſoner came in; I think it was the 22d, it was on a Wedneſday; when he came in, I had my hand upon the bundle; I was talking to Barry, and he came in and ſaid, whoſe bundle is this? I ſaid, it is mine; he ſaid, I will let you know it is mine, and took it away from me; from thence he returned to the chair, and took the outſide jacket that the man has on now, and put it under his arm, and then he took the waiſt-coat; he put his hand into the pocket, and took out a watch; he told Barry that he had robbed him, that he would have him to Newgate; upon that he went away from the houſe.

Q. So that theſe things were taken away from your houſe?—*A.* Yes; I rent the houſe.

Q. Is your huſband's name Henry?—*A.* Yes; Barry then went away after Purnell; I ſaw them both the next day at the Flying-horſe; he got abuſing of Barry, and ſaid he would have him out of the place becauſe he was a foreigner, and he could get five pounds by him; I told him he could not, for my huſband was a foreigner, and I knew better than that.

Q. Whoſe handkerchief was this bundle wrapped up in?—*A.* Mine.

Croſs-examined by Mr. Alley. *Q.* So I underſtand you are an old acquaintance of the proſecutor's, but a ſtranger to the defendant?—*A.* Yes; I waſhed for his brother three years ago.

Q. How much money might you have ſpent for him?—*A.* I did not ſpend any; he laid out five pounds while I was with him.

Court. *Q.* Did he lay out any other ſum that day while you were with him?—*A.* No.

Q. What

Q. What money did you ſee beſides that?—*A.* I ſaw a twenty pound note.

Q. Where was your huſband when you were eſcorting this ſailor about the town?—*A.* He was at work.

Q. What paſſed at your houſe?—*A.* Mr. Purnell aſked whoſe bundle that was, and I ſaid it was mine.

Q. How come you to ſay that it was your's?—*A.* The handkerchief was mine, and it was delivered to me.

Q. Did you not know that the ſailor owed that poor man money?—*A.* No.

Q. You never heard any converſation about his owing him money?—*A.* No, never till after Purnell was taken.

Q. Then the proſecutor ſaid after that, that he did owe the priſoner money?—*A.* He ſaid he owed him ſome money for board and lodging.

Q. How much did he ſay he owed him?—*A.* I cannot ſay; he ſaid, if he would give him his clothes, he would give him a note to pay the remainder of the money that he owed him upon his return from his next voyage.

Q. Did not you know you told a lie when you ſaid it was your bundle?—*A.* Yes.

Mr. Knapp. Q. You had this bundle delivered to you by the poor ſailor, to protect his property?—*A.* Yes.

Q. Your reaſon for ſo ſaying was, that the handkerchief was your's, and the bundle being delivered into your care—Upon your oath did you yourſelf take any part of this poor ſailor's money, or receive any benefit therefrom?—*A.* Yes, I ſent for a pot of ale to drink, and that was all.

JOHN GRIFFITHS *ſworn.* I am one of the officers belonging to Lambeth-ſtreet: On the 22d of Auguſt I received a warrant for an aſſault, and on the 23d I went down to execute it; I ſaw Purnell, and told him I had a warrant againſt him; he ſaid, very well, he would go with me; he ſaid, it would be more convenient to go at ſix o'clock in the evening, and he did come up.

Q. Then you made no ſearch, as you had only a warrant for an aſſault?—*A.* No; the next morning I went to his houſe with a ſearch warrant; I aſked for Mrs. Purnell, and they told me ſhe was in bed; I deſired one of the young women to go up ſtairs with me; I went into the room, and ſhe delivered this bundle up to me *(producing it)*; I have had it ever ſince.

Croſs examined by Mr. Knowlys. Q. You went in conſequence of a warrant granted by the Magiſtrate againſt this man; that was for the aſſault only?—*A.* Yes.

Q. I believe Purnell knew who it was that charged him with the aſſault?—*A.* The ſailor went with me.

Q. Did he then attempt to charge him with any thing elſe but breaking his noſe?—*A.* No.

Q. Did not you hear Purnell mention that he had thoſe things, and would keep them till the money was paid him?—*A.* I believe I heard him ſay he had them at home.

Court. Q. Was that before you executed the ſearch warrant?—*A.* Yes.

Mr. Knowlys. Q. He made no ſecret of it that he had theſe goods?—*A.* No.

Court. Q. What did he ſay he had them for?—*A.* I was there but a very few minutes, and I cannot recollect what paſſed.

Mr. Knowlys. Q. Did you not hear him ſay he took them for the payment of his bill, and he would not part with them till the bill was paid.—*A.* No, I did not, nor any thing like it.

Q. Were you preſent when the proſecutor talked about giving him a note?—*A.* No.

Q. *(To Barry.)* Look at theſe things, and tell the Jury if they are your's?—*A.* Yes, they are.

Mr. Knowlys. Q. Upon your oath do not you believe that that man took them for the ſecurity of his debt, though it was againſt your will?—*A.* I did not know what I owed him at that time.

Q. Did not you believe you owed him ſome money at that time?—*A.* Yes.

Q. Upon your oath do not you believe he took theſe things to make you pay him the money you owed him?—*A.* It might be.

Q. Do not you believe he did?—*A.* I cannot tell, I had paid him eleven pounds before, and I did not know that I owed him any more.

Q. Do not you believe he took them to force you to pay the money?—*A.* He might; he ſaid he would give me the clothes when I came home; it could not be upon that conſideration.

Q. Do you not believe that he took them to compel you to pay him the money that he ſaid you owed him—Did you think he took them for any other reaſon?—*A.* No.

Court. Gentlemen of the Jury. Under the circumſtances of this caſe, I think it is a very different thing from a larceny: to be ſure this man ſeems to me to have behaved extremely ill, and that we ſhall have him here again, I think is by no means improbable; but it is your duty and mine, to keep the time between an immoral act and a felonious act, otherwiſe, we ſhall have eternal confuſion. It is very clear that this man has attempted to ſcrew as much as he could out of this poor foreigner, but the queſtion for us to decide is, whether it was a deliberate plan from the beginning, to get his goods, or was it his intention merely to ſecure the payment of a very extravagant bill?—The latter ſeems to me to be the caſe; and therefore, with my utter diſapprobation of the whole of the

tranſaction

tranſaction on the part of the priſoner, I think you will do amiſs if you ſee it in any other view than as a means of extorting from this poor ſailor, an extravagant bill, and that it was not a plot originally laid for the purpoſe of obtaining his goods. You ſee, when he was apprehended for the aſſault, he makes no ſecret of having theſe goods, but ſays he ſhall not have them till he has paid him his bill. That ſeems to me, very plainly, the ſtate of the caſe, and therefore you will acquit him of this charge, however much you will convict him in your own minds of having extorted this money from the proſecutor. NOT GUILTY.

Tried by the firſt Middleſex Jury, before
The LORD CHIEF BARON.

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479. WILLIAM EAST was indicted for the wilful murder of Thomas Birdſeye, on the 11th of July.

He alſo ſtood charged with the like murder, on the Coroner's Inquiſition.

The caſe was opened by Mr. Conſt.

JOSEPH HARGOOD *ſworn.*—I live at Elſtree; I know the priſoner and the deceaſed very well; I keep the Artichoke; they were both at my houſe about eight or nine weeks ago, I cannot ſay exactly when, it was the day that Birdſeye was killed; the beginning of the quarrel was, that East ſaid he had paid ſome money for him, and, ſays he, you have never paid me; he jumped up and ſaid, d—n your eyes, if I have never paid you, I will pay you; and then he kicked him; and East hopped about a good while before he could ſtand; then Birdſeye took hold of East's collar, and ſaid d—— your eyes, I will fight you; East ſaid, no, you are a better man than I, I will not fight you; and then he ſaid, d—— your eyes, you ſhall fight; then Birdſeye threw East down, and beat him and kicked him, and uſed him very ill again; and ſaid, he would ſerve any body the ſame that aſſiſted him; then I begged East to go home, I took him away as well as I could; he went with me a little way, and then Birdſeye came after him; I aſked him what he wanted with him; he ſaid, he would follow him, and d—— his eyes, he would give him a good hiding before he got home.

Q. Did he mean to ſay, he would give him a good beating?—*A.* I cannot ſay. Then Birdſeye followed him; and I know no further about it.

Croſs-examined by Mr. Knapp. *Q.* Did you never hear of the term, hiding, before?—*A.* No.

Q. How long have you known East?—*A.* Not long; he has worked in the neighbourhood.

Q. Do you know a more quiet and peaceable man in the neighbourhood?—*A.* I do not know any thing about him.

Q. What ſort of a diſpoſition had Birdſeye?—*A.* He uſed to be always talking about fighting, or knocking people about.

Q. Was he fond of liquor?—*A.* He liked liquor very well, I dare ſay.

Q. He had been drinking a great deal that day?—*A.* I cannot ſay.

Q. Did he uſe to be quarrelſome when he was drunk?—*A.* I ſaw no other by him.

JOHN PICKETT *ſworn.—Examined by Mr. Conſt.* I am a labourer at St. Alban's: I was at Elſtree the day that Birdſeye was killed, I cannot tell what day it was; I ſaw the priſoner and Birdſeye at the Artichoke, juſt as I left work, I ſaw them wreſtling in the yard; they kicked one another ſeveral times, and then East ſaid, I will give out, you are a better man than I am; he ſaid he pinched him ſo hard he could not bear it; Birdſeye ſaid he ſhould not give out; I ſaw the priſoner come out of the yard towards home, and Birdſeye followed him, and then East threw a ſtone at Birdſeye.

Q. Did you hear him ſay any thing before he threw it?—*A.* No, I did not hear him ſay a word; then I heard East ſay, I will ſhoot you if you follow me home to my premiſes.

Q. Did you hear Birdſeye ſay any thing to him?—*A.* He ſaid he would take away the ſtone from him if he could, that is all I heard; then East went home, and Birdſeye followed him, and then East came out to the door with a gun in his hand.

Q. Where did Birdſeye ſtand?—*A.* I cannot ſay; I did not ſee him ſhoot him.

Court. *Q.* How long was he at the door?—*A.* I cannot ſay.

Court. *Q.* How far is the Artichoke from East's houſe?—*A.* I cannot tell.

Q. Is it a mile?—*A.* No, I do not think it is much above half a mile.

THOMAS BEAUMONT *ſworn.—Examined by Mr. Conſt.* I am a ſhoemaker, I knew the deceaſed and the priſoner: On the 11th of July, hearing a noiſe in the ſtreet, I looked out at my own ſhop-window, about three yards from East's houſe.

Q. How far is that from the Artichoke?—*A.* I think about a quarter of a mile; I ſaw East ſeemingly in a great paſſion, ſaying, if he came to his houſe he would ſhoot him; I could not tell then who it was.

Q. Who was there beſides East and Birdſeye?—*A.* There was Pickett with Birdſeye, and one Hamilton, a labourer; East was firſt by himſelf, then he came to his own houſe, and went in at his door; he was gone in the ſpace of half a minute, and then returned to the door with a gun in his hand, declaring that if he came there he would ſhoot him; upon that, he took the gun and preſented it, bearing againſt his right hip, with one foot on the ſtone ſtep, and the other in doors; then Birdſeye came up,

up, and Pickett and Hamilton ſtood right in the front of him, in the middle of the highway; and one of them, I cannot ſay which, ſaid ſhoot; I rather think it was Birdſeye, he ſaid ſhoot again; and then they repeated a few words of a ſong:

"*Shoot at random in a wood,*
"*At ſome curious lady whereſoe'er ſhe ſtood.*"

then Hamilton ſaid, go it; and then Birdſeye made a ruſh, ſeemingly to ſeize the gun; with that, before he got within half a yard of the muzzle of the gun I heard the report.

Q. How did the gun go off?—*A.* I cannot ſay, I believe he had it againſt his hip, Birdſeye fell; I ſaw no more then, but came out of door's to go to Eaſt's houſe, Birdſeye was then bruſhing his wound, and looking at it; then he got weak, and ſlipped down, and called to Cowley, and ſaid, Cowley, give me hold of your hand, for I am a dead man; then there was a cry where Eaſt was, they ſaid he was gone out backwards through his garden, and into Mr. Berry's field; I immediately went after him, in purſuit, to take him, and when I got into Mr. Berry's field, about half way up it, I ſaw William Eaſt in an alley between a gentleman's pleaſure ground and a nurſery ground; as ſoon as he ſaw me he came towards me, and as ſoon as I got pretty near him, he ſaid, I hope in the Lord I have not killed him; I immediately ſaid, I fancy you have, or very near; but you muſt go back again with me, and anſwer for what you have done; upon which he replied, and ſaid, I do not care where I go, or what you do to me, it was all his own act and deed, for he aggravated me to it.

Croſs-examined by Mr. Knapp. *Q.* When you firſt ſaw the deceaſed he was in a great rage?—*A.* Yes.

Court. *Q.* Mr. Conſt, can you carry it any further?

Mr. Conſt. *A.* Certainly not, my Lord.

Court. *Q.* Mr. Knapp, you do not mean to ſay he did not kill the man?

Mr. Knapp. *A.* We mean to ſhew, by evidence, that the gun went off by accident, occaſioned by the man ſeizing it.

WILLIAM-FRENCH COWLEY *ſworn.*—*Examined by Mr. Conſt.* On Wedneſday the 11th of July, I was ſtanding at tea, and heard a noiſe in the ſtreet; I looked out, and ſaw Eaſt, the priſoner, go by in a paſſion; he ſwore he would be d——d to hell, if he followed him, if he would not ſhoot him; Birdſeye then came up, with two others, and was going to turn into the Plough, but turned back again, and ſaid, he would go and ſee what he would do; and then Eaſt came out with the gun, and ſaid, he would ſhoot him, and he told him to ſhoot away; and he ſaid he would be d——d to hell if he would not ſhoot him if he came near him; then there was ſome converſation, which I did not hear, I was at forty yards diſtance; and then ſomebody ſaid, go it; and then I heard the report; he ſaid to me, God bleſs you do what you can for me, I am a dead man; I took two ſmall ſhot out of his ſide where the wound was; I looked after the man, and he was brought back; I aſked him how he could do ſuch a raſh action; and he ſaid, we might hang him if we would, for if he was aggravated to it, and if it was to do again he ſhould do the ſame.

The Court being of opinion that it was too much to ſay, upon the evidence, that the gun went off by accident; and alſo, too much to ſay, under the circumſtances of aggravation, that it was wilful murder; the Jury pronounced a verdict of

GUILTY of Manſlaughter.

Tried by the firſt Middleſex Jury, before Mr. Juſtice ROOKE.

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480. JOSEPH SAMPSON and EDWARD MIDDLEMAS were indicted for the wilful murder of Joſeph Leahey, on the 25th of Auguſt.

They alſo ſtood charged with the like murder on the Coroner's Inquiſition.

(The indictment was ſtated by Mr. Agar, and the caſe by Mr. Conſt).

MICHAEL CANTY *ſworn.*—*Examined by Mr. Agar.* I am a coal-heaver: I was at a place called the Boarded-entry, on the 25th of Auguſt, between eleven and twelve o'clock at night.

Q. State to my Lord, and the Jury, diſtinctly, what you ſaw there?—*A.* I was coming up from New Gravel-lane, and coming into the Boarded-entry.

Court. *Q.* Deſcribe what this Boarded-entry is?—*A.* It is a paſſage into New Gravel-lane; I was coming through it, and juſt as I was coming up, I heard the voice of ſome men juſt before me, and I came up to them; when I got before them, I ſaw one man lay hold of the man's breaſt that was murdered, Joſeph Leahey, and the other man took out a knife and ſtabbed him.

Q. Who ſeized hold of him?—*A.* The ſhorteſt of thoſe two, Middlemas.

Q. Who was the man that ſtabbed him?—*A.* There he is, the talleſt, Sampſon.

Q. Was there any perſon preſent but thoſe three men?—*A.* Not one; I came up at the time, and ſeeing him ſtab the man, I cried out that he had murdered the man; the man that held him then let him go, and ran down the Boarded-entry into New Gravel-lane; the tall man then ſaid he would ſerve me the ſame if I did not go away; then I came up a little further, and the man that was killed got up, and went, I dare ſay, fifteen yards, and then he fell down againſt a door, and I cried out for the watch, I cried out murder; the watchman was the firſt perſon that came in, ſays he, who is this; ſays I, it

it is Joe; ſays he, is it Joe, at No. 17, that I uſed to call up every morning; and I ſaid, yes; I told him to take care of him while I went and got aſſiſtance at his lodgings; I went to his lodgings, and the landlady and another lodger came out firſt, and then a great many of the neighbours came out afterwards.

Q. What became of the talleſt man after he had ſaid, he would ſerve you the ſame?—*A.* He went down a lane to Green Dragon-alley, and I ſaw no more of him.

Q. What had become of the other?—*A.* He had run away directly, through the Boarded-entry

Q. Where were you coming from?—*A.* I was coming from my uncle's houſe to my own lodgings, after eating my ſupper there.

Q. How long did he live after that?—*A.* He died before they got him into his own lodgings; I can take my oath that it was not above ſeven or eight minutes from the time he was ſtabbed till he died; he died in the watchman's arms, at the door where he fell down.; I do not know the perſon's name.

Court. Q. What was the deceaſed?—*A.* A coal heaver.

Croſs-examined by Mr. Fielding. Q. What is the name of the watchman you ſpeak of?—*A.* I do not know, he is here.

Q. How long did you remain with the watchman, when you were telling him what had happened?—*A.* Not a minute.

Q. How far was this from the lodgings of the deceaſed?—*A.* A little way.

Q. Did the watchman ſtay with the deceaſed while you went to inform the people at his lodgings, what had happened?—*A.* Yes.

Q. How many came out from that houſe?—*A.* I do not know.

Q. Did you lodge in the ſame houſe with the deceaſed, yourſelf?—*A.* Yes.

Q. How many men came out of the houſe at that time?—*A.* I cannot ſay.

Q. How many coal-heavers lodge in the houſe?—*A.* Six of them.

Q. Did they come out of the houſe immediately, upon your arrival at the door of the houſe?—*A.* I cannot ſay that they all did, for I did not ſtay at the door; I only ſaid, Joe was murdered.

Q. How many women might come out?—*A.* That I cannot ſay; there was ne'er a woman in the houſe, I believe, except the landlady; the firſt man that came out was Cain Mahony, he was dreſſed; and Mrs. Donovan, the landlady, came out.

Q. Was ſhe up and dreſt?—*A.* Yes.

Q. Now tell me who the reſt were?—*A.* I cannot ſay who the reſt were.

Q. Had the watchman, by that time, brought this poor man towards the door of his lodgings?—*A.* No.

Q. Had you come from that houſe in the fore part of the evening?—*A.* No.

Q. When you left the houſe, did you go back to the watchman?—*A.* Yes; I was helping to bring him home, when Mahony and Mrs. Donovan came out.

Q. What did you do with yourſelf when the people came out?—*A.* Mahony looked down, and ſaid, the man is dead; then the rattle was ſprung, and a great number of people came.

Q. To whom, of all theſe people, did you happen to ſay any thing about the tranſaction?—*A.* I told Michael Connolly of it.

Q. Did he come up in conſequence of the rattle being ſprung?—*A.* Yes.

Q. Not out of the lodgings?—*A.* No.

Q. Did you know him?—*A.* Yes.

Q. A good many coal-heavers lodge about there?—*A.* Yes.

Q. When theſe men had been ſpoken to, and a great number of people had aſſembled, did you ſtay there?—*A.* No; Mich. Conolly and I went down to the ſtairs, and a great many followed: we went down to the watchman.

Q. What led you down to the ſtairs, did you ſee either of the two men go that way?—*A.* Yes; I ſaw one of them going towards New Gravel-lane, and the other to Green-dragon-alley.

Q. At the time when you went down to the water-ſide, did you then ſee any body that you ſuppoſed to be the perſons that attacked this man?—*A.* Yes.

Q. Did you yourſelf happen to lay hold of, or accuſe, any body elſe?—*A.* No.

Q. Where had you been ſpending your evening?—*A.* I had been down to my uncle's, in Spring-ſtreet, James Leahey.

Q. Was the deceaſed a relation of your's?—*A.* Yes.

Q. What time did you come from there?—*A.* I left there about eleven o'clock.

Q. Did your uncle come back with you?—*A.* No; I came by myſelf.

Q. Where did you fall in with the deceaſed, before you had arrived at this boarded entry?—*A.* I never ſaw him till it happened.

Q. Had you been drinking there?—*A.* Yes; my uncle and I had had two pots of beer.

Q. Which way was Leahey, the deceaſed, going, when you firſt ſaw him?—*A.* I cannot tell, he was ſtanding up.

Q. What ſort of a place is this boarded entry, is it not covered over?—*A.* Part of it is.

Q. It is very dark then?—*A.* No, it is not; this was juſt by a baker's door.

Q. Tell

Q. Tell me the firſt thing that took your notice as you came up to the ſpot?—*A.* I had juſt come up to the entry.

Q. Almoſt immediately upon your arrival at the place, you ſaw what you have deſcribed?—*A.* Yes.

Q. You do not know what brought Leahey there?—*A.* No.

Q. When you came to the water-ſide, did you hear of any man that had been down there?—*A.* No, I did not.

Q. Did you ever learn that this man had communicated to the waterman, what had paſſed?—*A.* No.

Q. How ſoon after this was it you ſaw either of the priſoners?—*A.* The next morning, at the watch-houſe; they were taken about an hour after it happened.

Q. You did not continue the purſuit, or join the party that took them into cuſtody?—*A.* No; Mr. Riley came into the houſe, and ſaid, they were taken. I had told the watermen, if they ſaw ſuch people come that way, that they ſhould ſtop them.

Q. Do you know a perſon of the name of Digby?—*A.* No.

Q. He is a baker?—*A.* No, I do not.

Q. Did you ſee any man that you accuſed of being the murderer?—*A.* No.

Q. Did you ſay of any man, he is the man?—*A.* No, to be ſure; there was another man taken up next door to the Green Dragon; there was ſome blood upon him, and they ſaid, he muſt be the man, but as ſoon as ever I ſaw him, I ſaid, that was not the man.

Q. Did you never ſay to any man, that he was the man, and that you would hang him without Judge or Jury?—*A.* No, I did not; I ſaid, that is not the man.

Q. How is it you receive your pay, as coal-heavers—do you receive it on the Saturday night?—*A.* I was idle that day, I did not work that day.

Q. Had Leahey been at work on the Saturday?—*A.* Yes, he had.

Q. Where had he been at work on the Saturday?—*A.* He uſed to work in a conſtant birth.

Court. Q. How are you paid?—*A.* When the ſhip is out; ſhe is out ſometimes in three days, and ſometimes in a week.

Q. When had you been at work before that?—*A.* I had not been at coal work that week, I was out lumping on Thurſday; when we cannot get coal work, we go lumping.

Q. How long have you lived in the ſame place with Leahey?—*A.* About a month.

Q. Tell me a little more particularly of the number of perſons that lodged in the houſe?—*A.* There were ſix, I believe.

Q. Had you not ſeen any thing of Leahey, or any of the parties that lodge in your houſe for that evening before, from eight to eleven?—*A.* No, I had not.

Q. In point of diſtance, how far was that ſpot exactly from the lodgings where you reſided with Leahey?—*A.* About fifty yards; I am ſure it is not more.

Q. How many doors then are there between the entrance of this alley and that houſe?—*A.* That I cannot tell.

Q. So that what paſſed between theſe men and he deceaſed, you do not know?—*A.* Nothing at all.

Q. How far, let me aſk you again, is it from your uncle's?—*A.* I do not know.

Q. You knew Leahey's voice, did not you?—*A.* Yes, when I came up to him.

Q. Did you approach the ſpot immediately?—*A.* Yes, I had juſt come up.

Q. Had you not an opportunity of following the men?—*A.* No; he ſaid he would ſerve me the ſame.

Q. The firſt man did not ſay ſo?—*A.* No.

Q. When the watchman came up immediately, did you know he was ſtabbed?—*A.* I ſaw the man ſtabbed with a knife.

Q. Did not you therefore ruſh immediately upon him at that moment?—*A.* I ſaw the man take the knife out of his pocket, and ſtab him.

Q. And you did not ruſh upon him?—*A.* No.

Q. And you did not attempt to ſeize either one or other of them?—*A.* No; I ſuppoſed I ſhould be ſerved the ſame myſelf if I did.

Q. Therefore, notwithſtanding you knew the voice of your friend in this ſituation, and notwithſtanding you ſaw the act of the man taking out the knife, you did not attempt to prevent the miſchief?—*A.* I did not.

Q. Nor called out?—*A.* I called out murder, and called out watch at the ſame time.

Q. And then when the watchman came, you told him what you have told us?—*A.* Yes.

Q. So you ſtood ſtill, and did not make the leaſt attempt to aſſiſt him?—*A.* No.

Q. And you ſaw nothing of what happened before that?—*A.* No.

Court. Q. What ſpace of time was occupied in ſtabbing the man—was it a minute?—*A.* It was done very quick.

Mr. Fielding. Q. Had you ſeen any thing of any ſtone that had been thrown?—*A.* No.

Q. Was not Sampſon on the ground?—*A.* No; he was ſtanding up.

Q. And was the deceaſed ſtanding up?—*A.* Yes.

Mr. Agar. Q. Was there light enough for you clearly to diſtinguiſh the parties?—*A.* There was.

Q. Have you any doubt of their perſons?—*A.* I have not, indeed.

Court. Q.

Court. Q. Was it in the paſſage itſelf, or was it clear of the paſſage?—*A.* It was clear of the paſſage, againſt the baker's door.

Q. Was it a moon-light night?—*A.* Yes, it was.

ROBERT BURTON *ſworn.—Examined by Mr. Conſt.* I am a waterman; I ply at Shadwell-dock-ſtairs.

Q. Do you know either of the priſoners at the bar?—*A.* Only by ſeeing them that night; I carried the talleſt one off that night; he came to me between eleven and twelve o'clock at night; I was ſmoking my pipe in the watch-box, and he came in and ſat down by me, and ſaid, he had had a *rumption*; he ſaid, he had been fired at; I underſtood he had been fired at with ſhot at firſt, but he explained afterwards that it was with ſtones; he ſaid, ſtones had been thrown at him; upon that, he ſaid he bobbed twice, and they knocked the hat off his head; but, ſays he, I turned round and did one of them, for I whipped my knife into his kidnies; he ſaid, it was ſharp, for he had ſharpened it the day before; he half opened the knife and ſhewed it to me, he ſaid, there was the blood upon his hand, and he held out his hand for me to look at, and I ſaw the blood; he ſaid, he ſtood in in his own defence, and neither law nor juſtice could hurt him for it; my fellow watchman was by at the time.

Court. Q. Are you a watchman?—*A.* A waterman; and we take it by turns to watch two and two at the ſtairs.

Q. Did he tell you what he came down there for?—*A.* He came down to go aboard a ſhip; he hailed the ſhip the Reſtoration.

Q. That was the ſhip he belonged to?—*A.* Yes.

Q. Do you know what he is aboard the ſhip?—*A.* They ſay he is carpenter; I took him on board.

Croſs-examined by Mr. Knapp. Q. The knife you ſay he produced to you, accompanied with the words you have ſtated?—*A.* Yes.

Q. This he did openly to you in the watch-box?—*A.* Yes.

Q. He made no ſecret of what had taken place?—*A.* No.

Q. Had he a hat on?—*A.* No hat at all.

Q. Therefore to you it appeared as if there had been a ſcuffle, and he had loſt his hat in that ſcuffle?—*A.* Yes.

Q. And he ſaid that what he had ſo done, was merely in defence of himſelf?—*A.* He ſaid, that what he had done, neither law nor juſtice could hurt him for.

JOHN MORELAND *ſworn.—Examined by Mr. Agar.* I am a waterman, I ply with the laſt witneſs: On the night of the 25th of Auguſt, between eleven and twelve at night, the priſoner, Sampſon, came down; I aſked him if he wanted a boat; he ſaid, no; and he began to relate that he had been very ill uſed by a parcel of Iriſhmen, and that they had thrown ſtones at him; that he had dropped twice from them, or elſe they would have felled him, and he had whipped his knife into one of their kidnies; he ſaid, he had ſtood in his own defence, and nobody could hurt him.

Q. Did you ſee the knife?—*A.* Yes; he pulled out his knife, and half opened it, and ſaid, that was the knife he had done it with, and he ſaid, there was ſome of the blood on his hand.

Q. Did you ſee the other priſoner that night?—*A.* Yes; after Sampſon had gone home with my partner, in about four or five minutes Middlemas came up; I aſked him if he wanted a boat; he ſaid, yes; he then aſked me if a young man had been down; I told him there had; I aſked him what ſhip he belonged to; he ſaid, the Reſtoration; I told him, that the young man was gone off, and that he had told me that he had had a fray with ſome men that had uſed him ill; he ſaid, that he had been very ill uſed himſelf, and had got a blow on the ſide of the head himſelf, and was obliged to run off; I then took him on board.

Croſs-examined by Mr. Alley. Q. Then I underſtand the account given by Middlemas, exactly correſponded with what the firſt man had ſaid?—*A.* I had no converſation with him upon it.

Q. But though they did not come together, their account was the ſame?—*A.* Yes.

Mr. Agar. Q. Were there any marks on his head?—*A.* He appeared to have had a blow on the left ſide of his head.

Court. Q. Did it appear to be a mark of violence?—*A.* Yes, it appeared to be lately done.

Q. Did you obſerve whether the firſt man had any hat or not?—*A.* He had not.

JOHN RILEY *ſworn.—Examined by Mr. Conſt.* I am an officer: On Sunday morning, the 26th of Auguſt, about two o'clock, I was called up by the watchman, and I apprehended the two priſoners between two and three o'clock; I found Sampſon near Shadwell-dock-ſtairs, ſtanding on ſhore; I apprehended the other on board the ſhip; I took him out of his hammock; Sampſon, the carpenter, was ſtanding with his hand in his jacket pocket; I came up to him, caught hold of his arm, took his hand out of his jacket pocket, and put my hand in and took out a knife, which I have in my poſſeſſion; then I took him to the watch-houſe, and a little boy with him, that belonged to the ſame ſhip; I applied to the beadle and headborough to know if there was a murder committed; they went with me to the place, and I found the man was dead,

dead, and I then thought it proper to go and apprehend the mate, Middlemas.

Croſs-examined by Mr. Fielding. Q. When you apprehended Sampſon, he was ſtanding by the ſhip's boat?—*A.* No; he was ſtanding near the ſtairs.

Q. Did he tell you he had come on ſhore to look after his hat?—*A.* No, I did not aſk him any queſtions. *(Produces the knife.)*

JEREMIAH DONOVAN *ſworn.—Examined by Mr. Agar.* The deceaſed lodged in my houſe; he left my houſe on the 25th of Auguſt, between the hours of eleven and twelve; he went out in order to get a quartern of butter for his ſupper; and from the time he went out till the alarm came to the houſe that he was a dead man, was not a quarter of an hour.

Croſs-examined by Mr Knapp. Q. You keep a lodging-houſe?—*A.* Yes, at No. 17, Ship-ſtreet, Wapping.

Q. Of courſe there are a great number of ſailors in that neighbourhood, and a great number of coal-heavers?—*A.* Yes.

Q. Has it not happened pretty frequently that quarrels have happened between coal-heavers and ſailors?—*A.* I do not know any thing about that.

Q. Do you mean to ſwear that you don't know that it has happened before and ſince this accident, that there have been quarrels between coal-heavers and preſs-gangs?—*A.* Not to my knowledge, there might for any thing I know; but I know nothing about it.

Court. Q. Were you at home the whole of that evening?—*A.* Yes, from five o'clock till the time it happened.

Q. How near is the Boarded-entry from your houſe?—*A* I ſuppoſe 100 yards.

Q. Do you know of any ſcuffle that happened thereabouts that night?—*A.* No; I never was out from the time I left work at five o'clock, till the report came that he was dead, not to go 100 yards from my apartment.

Mr. YEOMANS *ſworn.—Examined by Mr. Conſt.* I am a ſurgeon, No. 60, New Gravel-lane; I ſaw the body of the deceaſed on the 27th of Auguſt; the firſt wound that I examined was under the left breaſt; it had penetrated about two inches into the abdomen muſcles, which would have occaſioned his death; the next wound was in the upper part of the left thigh, near the groin, which had penetrated into the inteſtines; the large artery of the thigh was cut in two, and the veſſels entirely empty; either of them alone muſt have been the cauſe of his death.

DAVID DUBBER *ſworn.—Examined by Mr. Conſt.* I am a watchman; I was on duty near this place; I was called to the ſpot by Canty; I was on duty from ten o'clock at night till four in the morning.

Q. Did any thing particular happen that night?—*A.* When I went round at eleven o'clock every thing was quiet and ſtill, and about half paſt eleven, or twenty minutes before twelve, I was coming back to my box again; my box is at Mr. Phillips's brewhouſe, about 400 yards from where the corpſe laid, as nigh as I can judge; when I came up to where the deceaſed laid, his nephew was ſupporting him againſt his knees, and when I came up to him, he was feeling about the temples and round his head to feel for any wound or blows that he had received, but he could find none.

Q. Do you mean Canty?—*A.* Yes; and he deſired me to ſupport him till he went to his lodgings to get more aſſiſtance; he was gone about a minute and a half, or two minutes, and there came eight or ten people, men and women, to our aſſiſtance, and while the nephew was gone, a man dragged him up to to a higher part of the ground, and he exclaimed three times, he is ſtabbed, he is ſtabbed, he is ſtabbed; then I ſprung my rattle; I went a little further and ſprung it again; and then I went to Spring-ſtreet and ſprung it again.

Croſs-examined by Mr. Alley. Q. So ſoon as you had diſcovered that the man was ſtabbed, you very properly ſprung your rattle?—*A.* Yes.

Q. If you had diſcovered that before, you would have ſprung your rattle before?—*A.* Yes.

Q. The nephew was feeling over the temples for the wounds?—*A.* Yes.

Q. I take it if you had ſeen the man ſtabbed, you would have known where to look for the wounds?—*A.* Yes, but I did not.

Q. Your box was about 400 yards from the place?—*A.* Yes.

Q. The moment the nephew returned, there came ſeveral people, eight or ten?—*A.* Yes.

Court. Q. When theſe people came, and you ſupported the corpſe, did theſe people come out before him, or did he come firſt?—*A.* They followed him to where the deceaſed was.

Court. Q. The people cluſtered round the corpſe, I take it for granted?—*A.* Yes.

Q. Was he with them when they were dragging him to a higher part of the ground?—*A.* He was preſent then, and aſſiſted in getting him up.

Q. Was he ſtripped then?—*A.* No further than to ſee the wound in his left breaſt.

Q. Did you hear of any riot or fighting in the courſe of that night?—*A.* No, every thing was quiet when I went round at eleven.

Q. What ſort of a night was it?—*A.* A moonlight, clear night, and a fine evening.

Middlemas's defence. As I and my ſhipmate were coming from Charles M'Carty's, at near eleven

eleven o'clock, where we had been with the ſhipwright to have a pot of beer, coming out I laid hold of his arm; we had not gone far, before we met a woman; the paſſage being narrow, he ſays to me, give her the wall; we had not paſſed far before a man came up; he aſked what was the matter? Sampſon ſaid, nothing was the matter; we had not gone two minutes further, before a voice called us back to have ſome beer, in an Iriſh tone; and in about two minutes after that there came a ſtone, and took me on the ſide of the head; I called out to Sampſon, by the help of God clear yourſelf if you can, and I ſaw no more of Sampſon till I came on board; before I went on board, I went to a woman and told her of it; then I went back to the Boarded-entry, and called my ſhipmate, but could not get an anſwer, and then I went to the waterman, and told my ſtory, and he told me ſome expreſſions that Sampſon had told him, and I ſaid, I hoped it was not ſo; I am innocent of it.

Sampſon's defence. I was coming with Middlemas from Mr. M'Carty's, about eleven o'clock; we laid hold of each other's arm, and proceeded to go on board; we met a woman in the paſſage; I ſaid to my meſs-mate, let us give her the wall; accordingly he ſaid, certainly; ſhe had not paſſed us but a little diſtance, when we met a man; he aſked us what was the matter? I anſwered, nothing; my ſhipmate aſked if there was any offence? to which he replied, none; we bid him good night, and walked on; a voice then called after us to have ſome beer, in broad Iriſh language; I ſaid, we had had quite ſufficient; then we went on but a very little diſtance, when we were aſſaulted with ſtones; one of the ſtones hit me on the ſide of my head; he immediately flew from my arm, and cried out, by the held of God, carpenter, clear yourſelf if you can: I turned round, and the ſtones were flying very hot; thinking my life in great danger, and thinking every moment that my brains would be knocked out, I pulled out my knife; a man immediately ſeized hold of me, and we both fell down, and I ſuppoſe in the fall the wound might happen; I ran away with the loſs of my hat, expecting a ſecond attack; I then went to a woman and told her of it, and ſhe ſaid, it was moſt prudent to make the beſt of my way aboard, and ſhe conducted me to Wapping-wall, and then I knew where I was; I went to Shadwell, and told the waterman we had been attacked in a furious manner, and had loſt my hat, and he put me off on board, and when I found the mate was not there, I was very much afraid; but I had not been many minutes on board, before he came on board; there was a boy on board that knew the place better than me, and we went on ſhore to look for the hat, and when we got to the ſtairs, the runners laid hold of us.

ANN SMITH *ſworn.—Examined by Mr. Knapp.* I live in King-ſtreet, Wapping.

Q. Do you remember the night this unhappy accident happened?—*A.* Yes.

Q. Look at the priſoners, and tell me whether you ſaw either of them at your houſe that night?—*A.* Yes; the carpenter, Sampſon, about eleven o'clock, went paſt my door, he was running, and ſeemed very much flurried; he aſked me if I could tell where Mr. M'Carty lived; I aſked whether he meant Charles or Daniel M'Carty; and he ſaid, Charles; I aſked him if he had been purſued by the gangs.

Q. Do you mean the preſs-gangs?—*A.* Yes.

Q. Are the preſs-gangs frequently about there?—*A.* Yes; we have three or four gangs about us; he ſaid, no, I am not purſued by the gangs, but I have been fired at by the Iriſhmen.

Q. What did you underſtand by the term firing?—*A.* Stones, he ſaid; he had no hat on, but was in a very great fluſter and flurry; he ſaid, he wiſhed to go to M'Carty's to ſee for the mate, for he was afraid he was murdered; I ſhut my door to, and went and ſhewed him to Mr. M'Carty's; he knocked at the door three or four times, but did not get in; then he aſked me to direct him to the waterſide; and I pointed him down King Edward-ſtreet, and he went that way, and I ſaw no more of him; after that, I heard the rattles.

Q. How long a time might the converſation with Sampſon take up?—*A.* About five minutes.

Q. How long a time might it take up to go to M'Carty's?—*A.* It is in ſight of my own houſe; it might take up about ten minutes altogether.

Q. From that opportunity of ſeeing him, have you any doubt that the priſoner Sampſon is the man?—*A.* None.

Mr. Agar. *Q.* Was the ſtreet quiet before you ſaw Sampſon?—*A.* More quiet that evening than it had been for a long while before.

Mr. Knapp. *Q.* From the preſs-gangs, you mean?—*A.* Both ways.

Mr. Agar. *Q.* Was there any thing like a riot?—*A.* No.

Court. *Q.* How far is this Boarded-entry from your houſe?—*A.* About forty or fifty yards; he told me he had come through the Boarded-entry.

SARAH CARMAN *ſworn.—Examined by Mr. Fielding.* I am a married woman, I live in the Boarded-entry, New Gravel lane.

Q. Do you recollect the Saturday night, between eleven and twelve o'clock, when this unhappy accident happened?—*A.* Yes.

Q. What part of the houſe, or the yard of the houſe, were you in at that time?—*A.* I was backwards chopping ſome wood; I heard ſtones and bricks fly about, and I ſaid to my little girl, there

is

is ſomebody pulling the old houſe down; and then I heard ſomething like a cane ſtrike againſt the paling of the next yard to mine; directly after, in the courſe of five minutes, I heard a rattle; I ran out, and ſaid, there is a fire ſome where, and I ſaw a great number of people collected at a little diſtance, and they ſaid it was ſomebody killed; a woman made a great noiſe, and ſaid it was the baker, Mr. Digby, and his two men.

Court. This is merely the conjectures of the people.

Croſs-examined by Mr. Conſt. *Q.* The ſtones that you ſpeak of, that made you think ſombody was pulling the houſe down, made a very violent noiſe?—*A.* Yes.

Court. *Q.* Was this in a place called Spruce's-iſland?—*A.* Yes.

Mr Conſt. *Q.* The night was very ſtill before you heard this noiſe?—*A.* Yes.

Q. And that noiſe was very violent?—*A.* Yes.

Q. Such as to be heard at a great diſtance?—*A.* It might be heard by the neighbours about.

ISABELLA DOUGLAS *ſworn.—Examined by Mr. Alley.* I live in New Gravel-lane; I know the place where this unhappy accident took place, I was ſtanding at the door when Middlemas came to my door in great haſte, it might be about half paſt eleven o'clock, he told me he had run for his life, and was almoſt murdered; he lifted his hat, and ordered me to feel his head; his head was in a great flutter, and his pulſe beat very high; I was afraid I ſhould put my hand upon ſome wound, and I did not put my hand any further; he ſaid it was down that alley, that he had been almoſt murdered; and he ſaid, he had a partner, that he had loſt his partner, and did not know whether he was murdered or not; he went from the door to the Boarded-entry to look for his mate, and he called upon his name three times, Joe, and there was no anſwer made, and I ſaw no more of him.

ANN BROWN *ſworn.—Examined by Mr. Knapp.* I live in Spruce's-iſland, No. 5.

Q. Do you remember the night when this unfortunate accident happened?—*A.* Yes, the 25th of Auguſt; I went home when it wanted about a quarter of twelve, or not ſo much; I was alarmed by the throwing of one ſtone only, as I thought then, but the next morning there was no appearance of ſtones, but there was as many pieces of bricks as would half fill a pail; after I went into my houſe I heard a ſcuffling, and a number of more bricks thrown.

ANN SIMPSON *ſworn.—Examined by Mr. Fielding.* *Q.* Do you remember the night of this unhappy accident?—*A.* Perfectly well.

Q. Between eleven and twelve o'clock did you happen to be looking out at your window?—*A.* Yes.

Q. How far was this from the Boarded-entry?—*A.* A very ſhort way from where the accident happened; I heard a quarrel.

Q. Did it appear to you that there were any ſtones or bricks thrown?—*A.* A vaſt quantity indeed.

Court. *Q.* At what time of night?—*A.* I think it might be near the hour of twelve I heard the quarrel; at the firſt of it between eleven and twelve; moſt of the language was Iriſh, which gave me little concern, becauſe it is a uſual thing that I am accuſtomed to in that ſame track; I threw my window up, I heard a man that ran call out, with a loud voice, clear yourſelf, carpenter, if you can; inſtead of the carpenter getting clear, he went into a ſtrong huſtle, which continued about the ſpace of two minutes, as if they had hold of each other, while the brick-bats were going very faſt; then I heard them go to the ground, but in what manner I do not know; then one with a loud, and a hard voice, called out, oh Lord! Lord! Lord!

Q. At this time were there any other brick-bats thrown?—*A.* I then heard different feet run; I ſaw the carpenter run paſt my door; I heard the deceaſed and the carpenter both upon the ground.

Court. *Q.* You could not know that?—*A.* I heard them fall.

Croſs-examined by Mr. Conſt. *Q.* This took a conſiderable time then?—*A.* Yes; from the time the carpenter run it might be the courſe of five minutes.

Q. How long do you think the whole tranſaction might take?—*A.* From the time I paid attention it might be between ſix and ſeven minutes.

Q. And, from the noiſe of the brick-bats, there was quite a riot?—*A.* A perfect riot.

Q. The night was ſtill till this commenced?—*A.* Yes; I heard a voice ſay, it is you, you bl—y b——r, that has done it, and I will have you hanged without Judge or Jury.

Q. You do not know who it was ſaid ſo?—*A.* No.

Q. A great many other people were by at this time?—*A.* Yes.

Q. When did you firſt ſtate what you have now ſtated?—*A.* I told it to ſeveral of the Jury.

Court. *Q.* Did you hear the rattles go?—*A.* Yes; but that was after this had happened.

JOSEPH DIGBY *ſworn.—Examined by Mr. Alley.* *Q.* Do you remember the day when this unhappy accident took place?—*A.* The 25th of Auguſt; I live in the Boarded-entry, New Gravel-lane.

Q. Repeat to us what you obſerved of the tranſaction?—*A.* When this accident happened I was backwards in my kitchen at ſupper, I came into my bake-houſe and heard a great noiſe.

Court. *Q.* What time of night might that be?—*A.* A

—*A.* A quarter before twelve; I opened the door and went out, and I ſaw ſeveral people aſſembled together; there were two women caught hold of me by the arm, and begged me to look at the deceaſed.

Q. Did you hear any body elſe accuſed of having committed this murder?—*A.* No; I went and looked out at the window, and then came back again; after I was in bed, there came a great number of perſons making a noiſe with ſticks, beating againſt my window.

Croſs-examined by Mr. Conſt. *Q.* That was after the perſon was dead?—*A.* Yes.

Q. Did you hear the rattling of ſticks before that?—*A.* No.

Mr. Alley. *Q.* I underſtood you to ſay, that before you heard the riot you were in the bake-houſe?—*A.* Yes; I went out immediately.

Court. (To Simpſon.) *Q.* The watchmen's rattles went after this affray that you ſpeak of?—*A.* Yes.

Q. Did the people continue there after the watchmen's rattles went?—*A.* Yes.

Q. Did you ſee the watchman himſelf come up?—*A.* No.

EDWARD DAVIS *ſworn.—Examined by Mr. Knapp.* I live in Ship-ſtreet.

Q. Do you remember the night this took place?—*A.* Yes.

Q. Were you apprehended and taken into cuſtody for this murder yourſelf?—*A.* Yes, by the mob; I was looking out at my window at the time.

Court. *Q.* At what time of night did they commit that miſtake?—*A.* About half paſt eleven.

Court. (To Sarah Carman.) *Q.* You deſcribed bricks to be flying about, and the noiſe of a ſtick, was that after or before the watchmen's rattles?—*A.* Before.

Q. How long before?—*A.* It was over in the courſe of five minutes.

Q. (To Ann Brown.) Did you hear the watchmen's rattles?—*A.* No, I was afraid to look up.

THOMAS MASTERLY ROCKWOOD *ſworn.*—The priſoner, Sampſon, ſailed with me eight months, four years ago; he is of a perfectly humane, kind diſpoſition; there is nothing ferocious or ſavage about him.

Court. *Q. (To Canty.)* If I underſtood you right, you ſaid, you were coming from Gravel-lane to this entry, and heard the voice of men; you ſaw one man have hold by the breaſt of another man, and a third man took out a knife, and ſtabbed him?—*A.* Yes.

Q. And that Middlemas was the man that held him, and Sampſon the man that ſtabbed him; and, that no other perſon was preſent?—*A.* No other perſon.

Q. Was it like the voice of men quarrelling?—*A.* They ſeemed to be quarrelling.

Q. Did you ſee any ſcuffling between them at all?—*A.* No, I did not.

Q. The one was not ſtruggling with the other, or ſhaking him, or any thing of that ſort?—*A.* No.

Q. Where was Sampſon ſtanding, at the time that this man had hold of the other?—*A.* He was ſtanding by the pales, about half a yard diſtance.

Q. Nor you did not hear any quarrel afterwards?—*A.* No.

DURHAM WALKER *ſworn.—Examined by Mr. Knapp.* I am maſter of a ſhip: I know the priſoner, Sampſon; I have known him from ten years of age, he always bore the beſt of characters; he is a very humane man, and a ſober man.

Q. Was he of a ſavage diſpoſition?—*A.* No; he is a married man, and has a family.

LOCKWOOD BRODERICK *ſworn.—Examined by Mr. Knapp.* The priſoner, Sampſon, ſerved me three years, as a ſhipwright; he is of a very good, humane diſpoſition.

ROBERT STORMONT *ſworn.—Examined by Mr. Knapp.* I have known Middlemas ſeven or eight years; he is of a very mild diſpoſition.

Sampſon, GUILTY of manſlaughter.
Middlemas, GUILTY of manſlaughter.
Fined 1s. and diſcharged.

Tried by the firſt Middleſex Jury, before
The LORD CHIEF BARON.

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480. JOHN SYMONDS, otherwiſe called the OLD RUFFIAN (not in cuſtody), JOHN BARTHOLOMEW, and RICHARD KNIGHT, were indicted for the wilful murder of James Hayes, on the 13th of January.

They alſo ſtood charged on the Coroner's Inquiſition with the like murder.

(The indictment was ſtated by Mr. Watſon, and the caſe opened by Mr. Conſt.)

ANN MARSHALL *ſworn.—Examined by Mr. Watſon.* I keep the Thiſtle and Crown public-houſe, at Charing-croſs.

Q. Do you recollect the priſoners at the bar?—*A.* Yes. On the 13th of January, about ſix o'clock in the evening, they came into my houſe, with Symonds, and one Sharp.

Q. Be ſo good as ſtate to my Lord, and the Jury, what paſſed, when they came into your houſe?—*A.* I was at tea in the bar with another young woman; Bartholomew came into the bar, and aſked if he could ſit down there; I ſaid, they might; and they all three ſat down in the bar, and a lifeguardsman, of the name of Sharp, ſat down with them; they then called for ſome porter, and ſome gin and water, and ſome bread and cheeſe; they had it; they ſat there for ſome time, till very near nine o'clock in the evening; I then had occaſion to go up the yard, to light a perſon out, with a candle; when

when I came down the yard, the candle went out, Wilſon, the ſoldier, that was quartered at our houſe, was ſtanding making water before me in an indecent manner, I did not obſerve it myſelf, Symonds was behind me, I did not know it; Symonds ſaid, it was a very indecent manner for him to ſtand in; Wilſon and Symonds then went into the parlour, and wanted to fight; the two priſoners were then in the bar; I went into the parlour, and ſaid, for God's ſake, do not fight there; I then fell into fits, being frightened, and they took me into the bar; it was as much as five or ſix people could do to hold me; after that, Wilſon and Symonds went out of the houſe to drink together ſomewhere; they came in again, and Symonds came into the bar to his other company, they had been gone about ten minutes or a quarter of an hour; then they ſat down drinking again in the bar; the quarrel then ſeemed all made up entirely, and they all three called Wilſon into the bar, ſeveral times, to drink with them; he went in to drink with them, and then went into the kitchen to his comrade, Wakefield, who was quartered with him, and this old ſailor, Hayes, was in the kitchen; they all three ſat drinking till half paſt eleven o'clock; I then ſaid, it was time to go to bed; Symonds then went into the kitchen, ſhook hands with Wilſon, and ſaid, all is made up, is not it; and Wilſon ſaid, yes, it was; Bartholomew was then ſitting in the chair in the kitchen, he then jumped up and ſaid to Symonds, who was with my two ſoldiers, *chiac*, you take one, and I will take the other.

Q. Was this exactly at the time that Wilſon and Symonds were ſhaking hands, and ſaid, it was all made up?—*A.* Yes.

Q. Where was Knight, the other priſoner, at that time?—*A.* In the bar. I then ſaid, to Wilſon and Wakefield, there has been a piece of work in the beginning of the evening, now you had better go to bed; Knight then jumped up, and held the kitchen-door; the kitchen-door and the bar-door are near together, and through that door was a way for them to go up to bed.

Court. *Q.* Wakefield and Wilſon had not then moved to the door?—*A.* No. I ſaid, to Knight, why ſhould you hold the door, to prevent them from going to bed; then Bartholomew knocked down Wakefield, and Symonds knocked down Wilſon, the other ſoldier; and the ſailor, the deceaſed James Hayes, was coming acroſs the kitchen to the bar, I ſuppoſe, to get out of the way of the ſkirmiſh, and he knocked him down; he had lodged in my houſe four months; he had been ſitting in the kitchen, at the further end of the dreſſer.

Court. *Q.* Had he interfered at all in the quarrel?—*A.* No, he had not ſaid a word; Symonds hit him with his double fiſt in the ſtomach, and knocked him back againſt the wooden knob of the door, and hit him and kicked him about ſeveral times after he was down.

Q. At that time, had the deceaſed ſaid any thing, or attempted to do any thing towards this man?—*A.* No, not at all.

Q. During the whole of this tranſaction, where was Knight ſituated?—*A.* He continued keeping the door all the time; Wilſon and Wakefield bled a great deal.

Q. Were they upon the ground at the time that Symonds ſtruck the ſailor?—*A.* Yes, they were in liquor, and the blow had ſtupified them ſo, that they were not able to get up.

Q. About what age was the deceaſed?—*A.* Near 60, I ſuppoſe.

Q. Was he or not of a quiet, peaceable diſpoſition?—*A.* Very much ſo, indeed.

Q. The deceaſed was knocked down and trampled upon—was that what became of him?—*A.* All the three men ran away, the two priſoners at the bar, and Symonds, without paying the reckoning, and the two ſoldiers and the deceaſed got up ſoon after.

Q. Do you know how long the deceaſed lived after?—*A.* Yes; they all three went to bed; he got up on the Wedneſday morning and went about, but complained that he was very poorly, and the next day the ſame, and on the Friday he went for me to my brewer's, at Pimlico.

Q. Did he complain of any part in particular?—*A.* I did not hear him complain of any part in particular; when he came back from Pimlico, I aſked him whether he would have a glaſs of gin or a pint of porter; I had left him ſome Iriſh ſtew for his dinner, and he choſe a pint of porter; after that he took a trunk to Clare-market; he came back about nine in the evening, and had a pint of porter, and while he was having his porter, he ſaid, he was very ſick; I ſaid, Hayes, do not be naſty, to ſpit the blood about the floor, you had better go up ſtairs to bed; I ſent ſomebody up ſtairs with him, and they came down, and ſaid he was very bad indeed, and I ſent for a ſurgeon to him; the ſurgeon told me I muſt take particular care of him, and keep him quiet; I left people in the room with him; about three o'clock on the Saturday morning he was very bad indeed, bringing up blood; I then ſent for the ſurgeon again, and the ſurgeon ſaid it was of no uſe to ſend any thing for him, for he was a dying man, and he died about half paſt ſix o'clock that morning; he was very ſenſible, called me by my name, and told me how hard he died.

Croſs-examined by Mr. Knowlys. *Q.* You had known Bartholomew before ſome time?—*A.* Yes.

Q. He had done buſineſs at your houſe as a recruiting ſerjeant?—*A.* Sometimes he did.

Q. He

Q. He had done buſineſs there that day?—*A.* He came to ſettle with captain Steele, I believe.

Q. And when he came, he came in company with theſe two men, Symonds and Knight?—*A.* Yes.

Q. You ſay every thing went on very well till Wilſon had been guilty of this indecency towards you?—*A.* Yes.

Q. You were a good deal ſhocked, I believe, at the indecency of Wilſon's conduct, in the preſence of a decent woman?—*A.* Yes.

Q. And upon that Symonds was very angry, and that began the quarrel?—*A.* Yes; Bartholomew had often uſed my houſe, but I never ſaw any thing amiſs of him; Knight and Symonds I had never ſeen before, but one evening I ſaw Knight when I buried my huſband, about a month before.

Q. Wakefield was the comrade of Wilſon?—*A.* Yes.

Q. Therefore they ſat together as friends, and a party of their own?—*A.* Yes, with Hayes, in the kitchen.

Q. The ſoldiers were both in ſoldier's clothes?—*A.* Yes.

Q. Hayes was very quiet, and took no part at all in the buſineſs?—*A.* None.

Q. He was a ſailor?—*A.* Yes.

Q. At eleven o'clock, when they were going, the expreſſion of Bartholomew to Symonds was, you take one, I will take the other?—*A.* Yes.

Q. You ſay Symonds attacked one ſoldier, and Bartholomew fought the other ſoldier?—*A.* Yes; Knight did not ſtrike any of them, he was holding the door.

Q. Therefore the two perſons ſelected as combatants were the two ſoldiers, Symonds taking one, and Bartholomew the other?—*A.* Yes.

Q. You ſay now, and have always ſaid, that with reſpect to any ill uſage given by Symonds to poor Hayes, Bartholomew took no part?—*A.* No, he only fought with Wakefield.

Q. At the time Symonds knocked down poor Hayes, he took no part whatever in it?—*A.* No.

Q. I believe captain Steele called to know if Bartholomew was there to ſettle the account?—*A.* No, not to my knowledge.

Court. Q. How is the bar and the kitchen ſituated?—*A.* The kitchen and the bar are together.

Court. Q. Muſt Hayes neceſſarily paſs that door to go to the bar?—*A.* Yes; he had juſt got to the door when he was knocked down.

Q. Then probably if the door had not been ſhut, he might have got out that way?—*A.* Certainly he could.

Q. And of courſe that would have been his ſhorteſt way to get out of this fray?—*A.* Certainly it would.

Q. However, from the dreſſer he was coming towards the door, and towards the bar?—*A.* Yes.

HANNAH TAYLOR *ſworn.—Examined by Mr. Conſt.* I was at that time an aſſiſtant to Mrs. Marſhall.

Q. Do you recollect the two priſoners, with Symonds, coming to your houſe?—*A.* Yes, they came in about ſix o'clock in the evening, and they ſtaid drinking till about nine in the evening very comfortably; Mrs. Marſhall went up to light ſomebody out, and as ſhe came back the candle blew out; one of the ſoldiers was ſtanding very indecently before Mrs. Marſhall; Symonds was behind her, and talked to him very much for ſtanding in that manner; many words enſued, he was going to fight Wilſon; Mrs. Marſhall was very much frightened, and went into fits, and when the Ruffian, Symonds, ſaw that, he was very ſorry, and made it up with Wilſon, and they came in and drank together, and were very comfortable; it was all made up till twelve o'clock, when the two ſoldiers were going to get up to go to bed; Mrs. Marſhall and I wanted them to go to bed, but Wilſon was very much in liquor, and he ſtood equivocating and talking with Symonds, but not quarrelling; Symonds ſaid to him, will you go to bed, or what do you want, or will you fight? no, ſays Wilſon, I do not want to fight; Symonds laid hold of his hand when he ſtood at the bar door, and while he had hold of his hand, he ſaid, d—— you, what will you have now, I will fight you now; Bartholomew, the priſoner at the bar, then got up, went forward, and ſtruck Wakefield, one of the ſoldiers, two or three times.

Q. Before he ſtruck him, did he ſay any thing?—*A.* He ſaid ſome phraſe or word which I did not underſtand, like *chiac;* then Symonds came out of the bar and ſtruck Wilſon.

Q. What was the conſequence of theſe blows?—*A.* Wilſon and Wakefield both fell on the ground; I did not know that the blows being ſo rapid was the reaſon, but they were ſo in liquor, that they were not able to aſſiſt themſelves.

Q. Did you ſee Knight do any thing at this time?—*A.* He did not ſtrike any body; he ſhut to the door, but with what intention I do not know.

Q. Theſe men then were lying on the ground?—*A.* Yes; then Hayes was coming acroſs the kitchen to get into the bar, for fear, I ſuppoſe, that he ſhould get hurt, and as he came acroſs the kitchen, he unfortunately received a blow or a puſh, and fell down.

Q. In the courſe of the night, had you any converſation with Knight?—*A.* Not particular, ſeveral words paſſed; I heard him ſay, that in the courſe of the evening there might be a fight, or he dare

dare ſay there would be a fight; I think he ſaid, he dare ſay there would be a fight.

Q. Where was he when he ſaid that?—*A.* In the bar.

Court. Q. How long before the blows were given was it that he ſaid that?—*A.* In the evening, after the quarrel was made up, while they were friends, and drinking together.

Q. Did Hayes complain much?—*A.* He laid a-bed part of the next day, and when he got up, I aſked him how he was, and he rather complained of his head; on the Thurſday and Friday he was very well; he went to Pimlico on Friday, and came back and eat a very hearty dinner, but about nine o'clock in the evening, and from that time till paſt ſix in the morning, when he died, he ſcarce ever ceaſed vomiting.

Croſs-examined by Mr. Gurney. Q. Had Wakefield and Wilſon been quarrelſome in the former part of the evening?—*A.* No.

Q. The only provocation came from Wilſon's indecent behaviour to Mrs. Marſhall?—*A.* Yes.

Q. They had never ſpoke at all to Hayes?—*A.* No.

Q. And all the fighting began with Wakefield, and Wilſon, and Bartholomew, and Symonds?—*A.* Yes.

Q. Hayes was no party in the fighting?—*A.* No.

Q. On Thurſday and Friday he was very well?—*A.* Yes.

QUINTON WILSON *ſworn.* I belong to the Coldſtream regiment of guards; I was quartered at the Thiſtle and Crown, Charing croſs.

Q. Do you recollect the two priſoners at the bar coming to the Thiſtle and Crown on the 30th?—*A.* Yes.

Q. What time in the evening did you firſt ſee them?—*A.* I cannot recollect.

Q. Do you recollect either of them ſpeaking to you when you were in the yard?—*A.* No, neither of the priſoners, Symonds did; he chaſtiſed me, as he ſaid, for making water in an improper manner, and wanted to quarrel with me.

Q. Did he quarrel with you?—*A.* No, there was no diſpute at that time, it was all ſettled till ſuch time as I was going to bed.

Q. What paſſed at the time you were going to bed?—*A.* He came out of the bar, and aſked me to drink.

Q. Who was with you in the kitchen?—*A.* My comrade, Wakefield.

Q. You knew the deceaſed, Hayes?—*A.* Yes, he was in the kitchen, at the further end of the dreſſer; I told Symonds I did not wiſh to drink any more; Symonds ſaid, he hoped there was no animoſity; I ſaid, no, I never had any animoſity to any man; then he aſked me to ſhake hands, and bid me good night, and then he knocked me down, and after that I never ſaw what paſſed; when I came to myſelf, they were all gone.

Q. Juſt before Symonds knocked you down, did you ſee or hear any thing?—*A.* No.

Q. Did you hear nothing ſaid?—*A.* No.

Q. Did you ſee the ſituation of Knight?—*A.* No.

—— WAKEFIELD *ſworn.* I belong to the Coldſtream regiment of guards; I was billetted at the Thiſtle and Crown on the 30th of January; on the evening of that day the two priſoners and the Ruffian came in, and were drinking the greateſt part of the afternoon; I do not recollect what time they came there.

Q. Do you recollect Wilſon going out into the yard?—*A.* I heard ſome diſpute between Wilſon and the Ruffian; they were drinking in the bar, and my comrade, Wilſon, drank along with them ſome conſiderable time, and they had a diſpute ſeveral times over and over, and at laſt they made it up together; then Mrs. Marſhall wanted us to go to bed; we had a candle in our hands to go to bed, and Wilſon and Symonds were ſhaking hands together, and ſeeing there was no animoſity between either one or the other, and then he knocked Wilſon down, and Bartholomew knocked me down.

Q. Did Symonds knock him down immediately after they had declared there was no animoſity?—*A.* They were hand in hand at the time, ſhaking hands.

Q. Did you hear any thing ſaid juſt before that?—*A.* No.

Q. Did you obſerve the ſituation of Knight juſt at that time?—*A.* No.

Q. After you were knocked down, were you able to diſcern what paſſed?—*A.* No, I bled very much, and was ſenſeleſs.

Q. Did you know before this where Hayes was in the kitchen?—*A.* He was ſitting at the time I ſaw him in a chair by the fire.

Q. Did you ſee him riſe to paſs along the kitchen?—*A.* No.

Croſs-examined by Mr. Knowlys. Q. Bartholomew knocked you down with a blow of his fiſt?—*A.* Yes.

Q. Not with a ſtick?—*A.* No.

Q. A fair boxing blow?—*A.* I cannot ſay as to that.

RICHARD JACKSON *ſworn.—Examined by Mr. Conſt.* I am a ſurgeon: I was called in on the Friday, about ten o'clock in the evening, to ſee James Hayes, who, they ſaid, was dying from a vomiting of blood; I found he had vomited a very large quantity, from which he appeared very low and faint; Mrs. Marſhall informed me he had had a blow in the ſtomach; he ſaid, he had been very much

much abuſed, but did not ſay by whom, but put his hand up to his leſt eye; after deſiring him to be kept quiet, I went home to prepare ſome medicines for him; about three I was called to him again, and found he had vomited a great quantity more of blood; I went to him, and found he was a dying man; I was preſent afterwards at the opening of the body; I examined it, and found a diſcoloration upon one of the ſmaller inteſtines, and another upon one of the larger ones; the liver was of a very extraordinary appearance, and the right kidney was much larger than the left, and of a ſoft, pulpy feel, with a perforation in it, and in the abdomen, I ſuppoſe, pretty near a pint of fluid, which indicated that the man, had he lived, might have become dropſical; we opened the thorax, and found the lungs adhering very ſtrongly to the adjacent parts; we opened the ſtomach, and found it inflamed; we found alſo about three or four ounces of blood ſomewhat coagulated; we were at no loſs to judge from whence that proceeded.

Q. From whence do you ſuppoſe that proceeded? *A.* From the ſtomach.

Q. Were you able to trace the cauſe of his death to any particular injury that he had received?—*A.* I underſtood he had received this blow three days before; the ſtomach had been in a very unhealthy ſtate before that, and therefore not able to bear the blow.

Court. *Q.* Do you think that ſuch a blow was the cauſe of death, the ſtomach not being in good order?—*A.* Certainly; it is very clear that the ſtomach could not have received ſuch a blow, without producing very great miſchief.

Q. Do you think the hemorrhage proceeded from the blow?—*A.* I cannot pretend poſitively to ſay that; that is more than I can ſay; the external appearances were, a contuſion upon the left eye, one upon the right ear, and a conſiderable one on the ſide.

Court. *Q.* From the appearance of the body, was there any thing that ſhould lead you to ſuppoſe the man would have died in three days, if he had not received that blow?—*A.* That is impoſſible for me to tell.

Court. *Q.* What do you think would be the effect of ſuch a blow upon an unhealthy ſtomach?—*A.* It might have cauſed death or not.

Court. Can you ſay that the hemorrhage proceeded from the blow?—*A.* I cannot.

Croſs-examined by Mr. Gurney. *Q.* You ſay that the rupture of the blood veſſel might or not proceed from a violent blow?—*A.* Yes.

Q. It might proceed from carrying a weight, or over much exerciſe?—*A.* It might.

Q. There was not the leaſt outward appearance of a blow upon that part?—*A.* Not the leaſt.

Q. Therefore you cannot decide with certainty, that the rupture of the blood veſſel was in conſequence of the blow that he had received?—*A.* There is no doubt but a blow may produce it.

Court. *Q.* A violent blow upon a diſeaſed ſtomach might produce death?—*A.* Yes.

Court. *Q.* But whether it is ſo in any particular inſtance, it is very difficult for you to ſay?—*A.* It is.

RICHARD SIMMONDS *ſworn.—Examined by Mr. Conſt.* I was called in, on the 5th of February laſt, to examine the body.

Q. Be ſo good as ſtate to the Court what was the condition of the corpſe?—*A.* There were ſeveral bruiſes in different parts of it; there was one on the right ſide of his neck, his left eye was bruiſed, and his loins were bruiſed, I did not ſee any other external marks; I proceeded to open the body immediately; I found that the ſmall inteſtines were diſcoloured, as though they had received ſome violence; there was likewiſe a diſcoloration of the large inteſtine; I then examined the different veſſels, and in the ſtomach I found a very conſiderable quantity of blood; this man's viſcera, independent of this, was in a very diſeaſed ſtate; he had a conſiderable quantity of water in his belly, as though a dropſy had begun to take place; but I have no doubt that he died from the hemorrhage in the ſtomach; I found alſo, that the right kidney was larger than the left.

Q. In your judgment, from what cauſe did that hemorrhage proceed?—*A.* I could not have conceived any cauſe whatever, unleſs I had been told that he had received a blow.

Court. *Q.* Will a violent blow on the ſtomach produce a hemorrhage?—*A.* Undoubtedly.

Q. What was the cauſe of the kidneys being one larger than the other?—*A.* That I take not to have originated in a recent cauſe, but in an abſceſs, I ſhould ſuppoſe, of long date.

Croſs-examined by Mr. Knowlys. *Q.* No doubt a man may die of a rupture of a veſſel, without having received a blow?—*A.* Undoubtedly.

Q. Did not the extremely diſeaſed ſtate of that body exhibit an appearance very liable to ruptured veſſels?—*A.* Yes.

Q. Before the Coroner, did you at all ſay, that you abſolutely affixed it to any cauſe ariſing from the blow?—*A.* Yes, ſurely I did.

Q. Did you not ſay, it aroſe from an inflammation?—*A.* Yes, occaſioned by the blow.

Q. Suppoſing he had carried a heavy weight, do you think that might not have produced a rupture of the veſſel?—*A.* Certainly; I think it was a very improper think for him in the diſeaſed ſtate of his viſcera, it might have accelerated the circulation ſo much, as to have brought on an hemorrhage.

Q. But

Q. But do you not believe, that carrying a heavy weight, on the Friday evening, might have cauſed that hemorrhage?—*A.* Yes.

Q. For inſtance: the carrying a heavy weight from Charing-croſs to Clare-market would increaſe the danger?—*A.* Certainly.

Q. And more particularly if this ſame unhealthy man had walked from Charing-croſs to Pimlico, and back?—*A.* Certainly; that would add to the liability of a ruptured veſſel.

Bartholomew's defence. My Lord, we are totally innocent of the charge; the deceaſed I never ſaw in the courſe of the evening at all; and when he was ſtruck, I never ſaw him ſtruck at all.

Knight's defence. I went in to aſk for Bartholomew, and they ſaid, he was up ſtairs, with his officer, and I waited for him; Mrs. Marſhall went to light the officer out, and Wilſon was ſtanding in a very indecent way, and Symonds and he ſtripped to fight; I fetched Bartholomew down to prevent them, and then they made it up; I ſaid to Miſs Taylor, in the evening, I would lay a wager they would fight yet, before they went to bed, for they ſeemed rather quarrelſome all the evening; and then, at night, when they did fight, I would not let Mrs. Marſhall go in among them, becauſe ſhe had been in fits at only hearing them talk of fighting, and as they were going to fight I told her ſhe had better let them fight it out.

Mr. Knowlys. My Lord, I have an objection to take, which, perhaps, I ought to have taken before.

My Lord, I take it, that wherever death is charged, as happening in the proſecution of an illegal act, to which the parties then before the Court are alledged to have been preſent, aiding and abetting, it muſt appear moſt ſtrictly in evidence, that it aroſe from the very individual act in which thoſe perſons charged as aiders and abetters were then engaged, and from no other act whatever; though it might happen at the ſame time, it might not be the immediate and neceſſary conſequence of that act in which they were engaged.

My Lord. There are certainly a number of caſes to fortify that poſition, the principle has been adopted, and has never been diſputed; I apply the principle this way. It ſtands, *prima facie*, in evidence, that theſe two parties did agree, at the houſe of Mrs. Marſhall, to engage with two ſoldiers, one of them ſaying, you attack one, and I will attack the other; and that, in conſequence of that, each of them took his man, and did attack him; that is certainly an illegal purpoſe, in which theſe two men, Bartholomew and Knight, were engaged; one of them actively, and the other being preſent and approving of it, while the other man, Symonds, was engaged in his part of that illegal act; but I ſubmit to your Lordſhip, taking it upon this evidence, that for nothing corollary to that act are they anſwerable. Now, if the man with whom Symonds was engaged had died by the bruiſes which Symonds inflicted upon him, I mean Wilſon, I cannot ſay that Bartholomew would not have been anſwerable for his ſhare in the homicide of Wilſon. I do not mean to put that—I think he would. But, my Lord, I take it, that the attack upon Hayes was perfectly unknown both to Bartholomew and Knight, it was a thing not in their contemplation at the time that the violation of the law firſt took place, as I think appears moſt clearly upon the evidence; for after Bartholomew has maſtered his man, Wakefield, he deſiſts, and does not take up the other man to whom Symonds was oppoſed; he takes no ſhare in Symonds's part as againſt Wilſon, but confines himſelf to his man, each of them ſelecting his antagoniſt, and each beating his antagoniſt; there Bartholomew ſtops, and goes no further. Unfortunately, this man Symonds, whoſe bad blood was rouſed by his ſucceſs againſt Wilſon, chuſes to transfer the purpoſe with which they originally ſet out, namely, as a combat as between Wilſon and him, and as between Bartholomew and Wakefield, he chuſes to transfer his purpoſe to another perſon, perfectly unknown, as I contend, upon this evidence, to Bartholomew and to Knight;—Hayes is not preſent as taking a ſhare in the combat, either to part them, or at all interfering with Symonds, he having maſtered Wilſon, and knocked him down, ſees the other man coming acroſs the kitchen, his ill temper is rouſed, and he falls upon that other man. My Lord, for argument ſake, I will ſuppoſe for a moment, that he occaſioned the death of Hayes; then I put it, that this is not a general agreement to break the peace, but an agreement between two men to fight other two men; and that, for all the conſequence that aroſe to thoſe two men, I admit all the three parties are anſwerable, but no mortal conſequences enſue. Then, I ſay, there is nothing tending to ſhew a general purpoſe to break the peace, but merely upon Wakefield and Wilſon; why then, my Lord, I take it, that this poſition has been fortified by caſes, and by ſtrong caſes. The caſe that I ſhall firſt quote to your Lordſhip, is to be found in Keyling's Reports, the caſe of the King *v.* Plummer; a caſe in which a ſpecial verdict was found; and it was argued before all the Judges;—that ſpecial verdict ſtated, that Joſeph Beverton was duly appointed to ſeize a certain deſcription of wool, and that Benjamin Plummer, John Harding, and others, to the number of eight, aſſembled to run wool; and that while they were ſo aſſembled, in purſuance of an illegal purpoſe, ſome officers of his Majeſty appeared with intent to ſeize this wool; upon which, one of the eight who were engaged in this tranſaction of ſmuggling, fired his fuſee, in which one of his comrades was killed; and the Judges, in that caſe, ſaid, that he who fired the gun, and he alone, ſhould anſwer for it; if the ſpecial verdict had found that he fired the gun at the King's officers, moſt unqueſtionably all the eight would have been guilty of murder, though they murdered a man they did not intend to murder; becauſe their purpoſe certainly was againſt thoſe officers, whom they had had no legal power to reſiſt; but as that is not found, ſays the Court, we can only take the facts as they are found; and upon thoſe facts, it does not appear, that although theſe eight perſons were engaged in a high illegal tranſaction, it does not appear that their joint illegal purpoſe at all touched that comrade of theirs who fell by the ſhot of the men who did fire, and therefore, though the man who fired the ſhot being engaged in an illegal purpoſe muſt anſwer for that purpoſe, yet thoſe who were equally engaged in an illegal purpoſe

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are not anſwerable for it. Therefore, I think, that caſe fortifies me upon facts, that this caſe cannot be diſtinguiſhed from it in principle, and that, therefore I ought to have the benefit of it.

My Lord, there is another caſe, which, if poſſible, ſeems to come nearer ſtill to the preſent: it is a caſe frequently cited, and the only printed note, I can find of it, is in Leach, page 6, it is entitled, the caſe of the King *v.* Hodgſon and others. There the party, whoſe goods were liable to be diſtrained by his landlord Hodgſon, aſſembles a number of other perſons with him to take away thoſe goods, which the landlord was about to diſtrain; a conſtable makes his appearance, and a fighting enſues; while the reſt of the party were parting, one of them ſaw a child at the door, and with a barbarity, which one cannot ſufficiently condemn, he chuſes to ſtrike this child, of which blow the child died, and all the parties were charged, as aiding and abetting at the time the mortal blow was given. My Lord, this was, at firſt, a ſpecial verdict; but, to relieve the parties from the expence of arguing it, it was turned into a reſerved caſe, which was argued before all the Judges; two of the Judges differed from the reſt, but the majority of the Judges ruled, that it was no offence whatever in thoſe perſons who were not engaged in the actual blow that cauſed the death of the child, upon this principle, that they were engaged in an illegal act, and they muſt anſwer for all the conſequences of that illegal act, and they ſhall anſwer no further. The death might enſue in conſequence of their oppoſition to this illegal purpoſe; it might enſue from their conteſt with the landlord in diſtraining the goods in conſequence of the ſtruggle which they choſe to make illegally to get them into their poſſeſſion; but it is too much to ſay that becauſe one of them, and perhaps the only one who had a deliberate intention in his mind to give the blow, the reſt, not at all expecting to mix that child in the fray, it is too much to ſay that they ſhall all anſwer for the death of that child, which never could have ariſen as a neceſſary conſequence of the diſpute and conteſt in which they were engaged. So I ſay here, theſe two perſons agree to fight two men, neither of them expecting to ſtrike Hayes, with whom there had been no quarrel, and therefore could not have it in contemplation to ſtrike any other perſon than thoſe with whom they were engaged. Suppoſe, inſtead of this, Symonds had gone up to the landlady, and knocked her down, could we have ſuppoſed that that was in the contemplation of Bartholomew or Knight, they had no ill will againſt her—Suppoſe he had knocked the maid down, and ſhe had died of the blow, could it be ſaid that that was in the contemplation of the priſoners? It does appear to me from theſe caſes, that as it was not a neceſſary conſequence of the illegal act in which they were engaged, they ought not to anſwer for it. I certainly would not contend that Symonds is not anſwerable for the death of that man, but it does ſeem to me from this evidence, that theſe two men could not be conſcious of the part that Symonds choſe to take.

My Lord, there is another part of this caſe which your Lordſhip may perhaps ſay is for the Jury only: it has been always neceſſarily required, that the death which is averred to have happened, ſhall be ſubſtantially proved to have happened from that, and from nothing elſe, ſurgeons have always been called to that point.

Lord Chief Baron. That is certainly a queſtion of evidence only, and I ſhall lay before the Jury all the obſervations that ſeem to me upon it.

Mr. Gurney. My Lord, I will trouble your Lordſhip with a few words on the ſame ſide. My Lord, it appears upon this evidence, that all the quarrelling was between Symonds and Wilſon; and in the ſubſequent part of the buſineſs, the only quarrel was between Symonds and Wilſon on the one hand, and Bartholomew and Wakefield on the other; and it likewiſe appears upon the evidence, that the deceaſed, Hayes, not only took no part in the fray, not only was not the object of the malice of any of the parties there, but that he ſat at a diſtant part of the kitchen, and at laſt, when he put himſelf in that ſituation, in which he received, as it is charged in the indictment, his mortal wound, he was endeavouring to eſcape into the bar for the purpoſe of avoiding any miſchief that might fall upon him: it likewiſe appears, that the blow was given by Symonds, unaſſiſted by any other perſon, unencouraged by any other perſon; that no word was uttered, and no geſture made uſe of by the other perſons to encourage Symonds in giving that blow. Then it does ſeem to me to come ſtrictly within the authority of thoſe caſes, in which it is determined, that in order to involve other perſons in the guilt of him who gives the blow, that it ſhall be the intention of the whole.

My Lord, Mr. Juſtice Foſter ſays—"I have, by way of caution, ſuppoſed that the murder was committed in proſecution of ſome unlawful purpoſe, ſome common deſign, in which the combining parties were united, and for the effecting whereof they had aſſembled. For unleſs this ſhall appear, though the perſon giving the mortal blow may himſelf be guilty of murder, (he may poſſibly have conceived malice againſt the deceaſed, and taken the opportunity, which the confuſion of a croud, or darkneſs of the night, afford to execute his private revenge), he, I ſay, may be guilty of murder; or if it were upon a ſudden quarrel, of manſlaughter, and yet the others who came together for a different purpoſe, will not be involved in his guilt."

I ſhall trouble your Lordſhip with only one other obſervation. It appears that the purpoſe for which Bartholomew came to that houſe, was not only a legal but a laudable purpoſe, namely, to ſettle ſome buſineſs with his captain; that he uſed this houſe for the purpoſe of recruiting, in which ſervice he was employed, and therefore he was acting in the ordinary concerns of his occupation in coming there. There does not appear to be the leaſt tittle of evidence, that either of the priſoners conceived any malice to the deceaſed, and therefore it comes directly within the authority of Mr. Juſtice Foſter, that to involve all the perſons in the guilt of murder, the intention of all muſt be preciſely the ſame. It alſo comes within the authority of the caſe of the King *v.* Hodgſon, where though all the parties were engaged in an unlawful deſign, namely, a treſpaſs, which is the leſſer crime, they were not to be involved in the guilt of murder in conſequence of one of their party having had wickedneſs to involve himſelf in the greater crime. There ten of the Judges, out of the twelve, held that they ought not to be involved in that crime.

Lord Chief Baron. I take it to be extremely clear and ſettled law now, that where ſeveral perſons are engaged in

in a deſign, it does unqueſtionably extend to ſuch acts as ariſe out of, or are connected with the ſpecific illegal act in which they were engaged: for inſtance, if a number of perſons ſet out with a deſign to oppoſe the civil power, and one ſhall chuſe to ſteal a horſe, that is collateral, and he alone is anſwerable for it; it has no connection with the illegal act in queſtion. But what is the evidence here? Very different indeed from that. In the firſt place, when Symonds was ſhaking hands, Bartholomew ſays, *chiac*, you take one, and I will take the other; that, I think, implicates him in the attack upon theſe two men moſt diſtinctly. The next queſtion will be for the Jury to conſider, and that is, that the moment this cant word is uſed, and the exhortation given, you take one, and I will take the other, Knight immediately jumps up and ſhuts that door which the woman had opened, the queſtion will be *quo animo* he ſhut that door; if he ſhut that door with the *animus* of keeping theſe ſoldiers in, then he took a part diſtinctly in the aſſault upon them, and if that ſhould be the opinion of the Jury, I apprehend there will be very little difficulty in the law, for he then becomes directly implicated in the illegal act, and, in my judgment, is anſwerable as much as they are, if a murder has been committed.

Mr. Juſtice Aſhurſt. I am very much of the ſame opinion. To be ſure, in the caſe of murder, malice is a matter to be determined by the Court, but ſtill it muſt reſult from the facts, that is the province of the Jury, and all that a Judge can do, is to ſum up thoſe facts to the Jury, with ſuch admonitions as he thinks proper; taking the reſult of thoſe facts to be one thing it is murder, taking it to be another it is not murder, and therefore it is a complicated caſe of law and fact. Now to apply that maxim to the preſent caſe, here it has been proved, that one of the parties did come there with an intention to ſettle an account, but it may happen that he afterwards combined with others to do an illegal act, and in that caſe he ſhall not protect himſelf under the idea that he came there originally for a legal purpoſe. Here it is ſtated in the firſt place, that every animoſity was entirely laid aſide, they ſhake hands, and it is ſuppoſed that every thing was over; afterwards one of theſe men cries out *chiac*, you take one and I will take the other, and then, without any other quarrel, they go to fighting at the time that every animoſity was laid aſide; the third man ſhuts the door, and keeps it ſhut; that is a matter likewiſe to be left to a Jury to ſay whether that act of ſhutting the door did or not mean to facilitate that breach of the peace that the others were engaged in; if it was ſo, that will implicate him in the whole of the fact. Therefore it does ſeem to me that this caſe ſhould be ſummed up to the Jury with ſuch obſervations as occur to the learned Judge.

Mr. Juſtice Rooke. I am clearly of opinion this is a caſe to go the Jury, and not for the Court to decide upon; theſe three men are implicated together: the queſtion is, how far they are implicated, and what the bad intent was that they had in view; one cried, *chiac*, and the other went to the door and held it that they might not eſcape; and it is very clear upon the face of the evidence, that they had a bad intention towards Wilſon and Wakefield; and if they had, they muſt anſwer for all the conſequences in purſuance of that bad intention. Now the caſe put by the Counſel is this—Suppoſe, inſtead of making the attack upon Hayes, the attack had been made upon the landlady or the maid, would that have been murder? The anſwer I give to that is, it would depend upon what the landlady or the maid were doing at the time: if they were ſitting ſtill in the bar at the time, it would not have been a purſuance of the attack upon the ſoldiers; but that is not the caſe with the attack upon this poor man, Hayes, for he had got off his ſeat when he found the two ſoldiers knocked down, and might have been conſidered by Symonds as coming to the aſſiſtance of the ſoldiers; for as ſoon as he ſees Hayes coming up, he knocks him down too. The caſe in Keyling appears to me to be a caſe in point againſt the priſoners; for there it was admitted by all the Judges, that if at the time the men were engaged in ſmuggling, the gun had been levelled at the officers, who were going to ſeize the wool, it would have been murder in them all, but that did not appear in the ſpecial verdict. So here it is for the Jury to decide, if they are of opinion that when Hayes quitted his ſeat he was thought by Symonds to have come up to aſſiſt the ſoldiers, there cannot be a doubt that they are all anſwerable, for they are all purſuing the ſame line, two of them in actual combat, and the third doing that which might prevent any aſſiſtance coming to them. If, on the other hand, the Jury ſhould be of opinion that Hayes was not coming with that view, and that Symonds did not knock Hayes down in conſequence of the illegal purpoſe for which theſe three men combined, then the conſideration might be a very different one; but, under all the circumſtances, I have no doubt that it is a caſe for the Jury to decide.

For the Priſoners.

RALPH HEARNE *ſworn.—Examined by Mr. Knowlys.* I am a ſerjeant in a corps belonging to Major Steele, which was afterwards draſted to Chatham barracks; I ſaw the deceaſed the morning after he had received the blow, between twelve and one o'clock; he was a ſailor, and had been with me ſeveral times trying to get into the ſupplementary militia, for he ſaid he was totally ſtarved where he was; he was not a very healthy man, he was a very weak man and appeared to be much as uſual that day; we drank part of five pots of beer together, and I went about my buſineſs; the next day I had been on the parade, and I met him about half paſt ten in the morning; he ſaid he was going to ſee about his prize-money, ſomewhere towards King-ſtreet, that was on the Thurſday; he appeared to me to be then much as uſual.

Q. Did you ſee him afterwards, the next day?—*A.* I had been up to Clerkenwell, and meeting an acquaintance of mine promiſcuouſly who had come from Coventry, we went into Mrs. Marſhall's to have ſome beer together, that was between three and four in the afternoon; during the time we were drinking this pot of beer, Hayes came in and ſaid to Mrs. Marſhall, I have been and done your job; ſhe aſked him to have a glaſs of ſomething, and he aſked her for ſome dinner, and Mrs. Marſhall.

ſhall reached him a ſoup-plate with ſome Iriſh ſtew in it, and he eat it as hearty as ever I ſaw him eat; he then joined my friend and me in drinking; he gave the boy the pot to draw ſome more beer, and the boy refuſed to draw it without having the money; and he ſaid, d—— you, you dog, go and draw it. I was there about an hour and a half, and he ſaid, he had been carrying a trunk to Clare-market; and a young fellow came in, and d—d him for a fool, for taking ſo heavy a trunk to Clare-market, for ſo little money; he ſaid, he had nothing to do, and he might as well earn ninepence that way as any other.

The priſoner, Bartholomew, called eight, and Knight, two witneſſes, who gave them a good character for good nature and humanity.

Both NOT GUILTY.

Tried by the ſecond Middleſex Jury, before
The LORD CHIEF BARON.

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481. THOMAS-HENRY WILTSHIRE, otherwiſe WILLIAM WALDEN, was indicted for feloniouſly ſtealing, on the 6th of June, a pair of ſilk hoſe, value 10s. 6d. the property of Thomas Harriſon, privately in his ſhop.

THOMAS HARRISON *ſworn*.—I am a hoſier, No. 37, High-Holborn: About the 6th of June, the priſoner came into my ſhop, and aſked to look at ſome ſilk ſtockings with open clocks; I ſhewed him ſome, they were not good enough; he aſked to look at ſome black ones, they were not good enough; then he ſaid, he ſhould moſt likely call again; I rather ſuſpected him, but did not miſs any thing; Mr. Kennedy, about two or three months after, came and aſked me if I had had ſuch a perſon in my ſhop; I told him I had; he produced a profile of the priſoner; I immediately ſaid, that was the man; he ſhewed me a number of private marks of ſtockings, but they were not mine. I gave him my private mark, and I afterwards ſaw a pair of ſtockings of mine at the Public-office, Marlborough-ſtreet; I know them to be mine from the mark; I cannot ſwear that I had not ſold theſe ſtockings, becauſe I did not miſs them.

Q. Were they new ſtockings that had not been uſed?—*A.* They had not; I had not ſold any to him.

JAMES KENNEDY *ſworn*.—In conſequence of information, I went to the priſoner's apartments, No. 25, Adam-ſtreet, Portman-ſquare; I took him into cuſtody; I took the keys out of his pocket, I aſked him which was the key of his box, I opened it, and found a great number of duplicates of ſilk ſtockings; among the reſt I found this duplicate that I have in my hand, belonging to the proſecutor. I made it my buſineſs to go round to the hoſiers, to ſee who had been robbed; I went to the proſecutor, and one pair turned out to be his.

SAMUEL MORRIS *ſworn*.—On the 6th of June, the priſoner brought theſe ſtockings to me to pledge, at Mr. Beauchamp's, the corner of Caſtle-ſtreet, Holborn.

Harriſon. Theſe ſtockings have my mark upon them.

The priſoner called three witneſſes, who gave him a good character.

NOT GUILTY.

Tried by the firſt Middleſex Jury, before
The LORD CHIEF BARON.

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482. THOMAS HENRY WILTSHIRE, otherwiſe WILLIAM WALDEN, was again indicted for feloniouſly ſtealing, on the 3d of May, two pair of ſilk hoſe, value 23s. 6d. the property of William Churton, privately in his ſhop.

WILLIAM CHURTON *ſworn*.—I am a hoſier, No. 91, Oxford-road: About one o'clock in the afternoon of the 23d of May, the priſoner came to my ſhop, and deſired to look at ſome ſilk ſtockings; I opened ſeveral papers, and after various objections, he deſired me to put up a quantity, to be taken to his maſter, and he would call again; he ſaid, his maſter lived at No. 27, New Bond-ſtreet; obſerving that he had a very unpleaſant manner about him, I told him, I would ſhew him no more, but wait upon his maſter; I ſuſpected him; becauſe he told me he was going to No. 200, and he went a a direct contrary way; I made up my mind that I was robbed, but could not aſcertain of what. I went to No. 27, New Bond-ſtreet, but no ſuch perſon lived there. About a week after, I ſaw him paſs the door, I purſued him, but he outrun me, and I loſt him. Sometime after, Kennedy called upon me, and aſked me, if ſuch a man had been at my ſhop; I told him, yes. I went to a pawnbroker's, and found two pair of ſtockings of mine that had not been worn at all, with my private mark upon them.

Jury. *Q.* Did he ever buy any of you?—*A* Never.

JAMES KENNEDY *ſworn*.—When I took the priſoner in cuſtody, I found theſe duplicates in his box. *(Producing them).*

WILLIAM NORRIS *ſworn*.—I am a pawnbroker: *(Produces two pair of ſtockings);* they were pledged with me, by the priſoner, on the 4th of May.

Churton. The private mark is regular, in my own hand writing.

GUILTY Death. (Aged 28.)

Tried by the firſt Middleſex Jury, before
The LORD CHIEF BARON.

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483. SARAH WILLIS and ANN SYDNEY were indicted for that they, on the 4th of July, a piece of baſe coin reſembling a ſhilling, falſely, deceitfully, feloniouſly and traitorouſly did colour, with materials producing the colour of ſilver.

Second

Second Count. For that they, a round blank of baſe metal of a fit ſize and figure to be coined to the reſemblance of a ſhilling, did colour, with materials producing the colour of ſilver.

And, in two other Counts, for colouring, with materials producing the colour of ſilver, a piece of baſe metal reſembling a ſixpence.

(The indictment was ſtated by Mr. Cullen, and the caſe opened by Mr. Fielding).

JOHN ARMSTRONG *ſworn.—Examined by Mr. Cullen.* I am an officer: In conſequence of a warrant, on Wedneſday, the 24th of July, between ten and eleven o'clock in the morning, I went to No. 21, New Compton-ſtreet, in company with Wray, Harper and Peach; I went into the houſe by a paſſage door, and there was a woman who ſcreamed, murder, and ſtamped; I then went through the parlour into the kitchen; when I got near the bottom of the ſtairs, the priſoner, Sydney, paſſed me without a bed-gown; there is a back kitchen and a fore one; I went into the back kitchen, being dark, and ſaid, holloa, who is here; the priſoner, Willis, ſaid, I am here, or ſomething to that effect; I brought her out; when ſhe came up ſtairs in the light, we found her without a bed-gown, the ſame as Sydney, in her hand was one ſhilling, which appeared to be good, and two others in her pocket, which are good, *(produces them)*; ſhe being ſecured, we got a candle; I then, with her, went into the front kitchen, this baſon was turned topſey-turvey, and the liquid that was in it was all run on the floor; in the front kitchen, the ſaſh was thrown up that went under the area in the front of the ſtreet, but that window was bolted, that, without a light, we could not have ſeen; I obſerved ſomething white againſt the brick wall; I and Wray went and picked up this baſon, which has the remains of ſome cream of tartar in it; this ſixpence being on the frame of the window, I believe that is a good one; in the ſame area, theſe counterfeit ſixpences lay among ſome ſaw-duſt, and this tea-pot, with ſome ſalt, and this broken baſon; Wray has the money that was found in the front kitchen, except this ſixpence where the baſon was. This box was with this rag, and this woman's dirty cap, and a pair of ſciſſars; there was a candleſtick with a piece of candle lying on the floor, but not ſo that we could tell that it had been lighted lately; in the back kitchen, where Willis was taken from, were theſe two baſons, in one of which there appears a ſettlement of cream of tartar. Both the priſoners fingers and thumbs were as if they had been uſing theſe kind of ingredients. Wray ſearched the place afterwards.

JOHN WRAY *ſworn.—Examined by Mr. Fielding.* I went with Armſtrong to this houſe; Armſtrong went in firſt; and in the firſt room there was a woman ſtamped, and cried out, murder; then we went down into the kitchen; juſt as we got to the bottom of the ſtairs, Sydney paſſed us, I caught her, and delivered her to Harper, who then went and got a light, and went into the front kitchen; a large baſon was the firſt thing I perceived, it had been kicked up, and there was a great deal of liquid upon the floor, I cannot ſay what that liquid was; there was a fire place, but no grate in it, there I found a great quantity of baſe money, ſome on the hearth, and ſome in the fire-place, *(produces it)*; there are very near a hundred ſixpences, and about thirty-five ſhillings, they were all over wet, ſome of them ſtuck againſt the back of the chimney, and the wet was dripping down; I picked off, I think, four. There was only one chair there, and this box turned down; there was no furniture there at all. After making a further ſearch, I found ſome in the back kitchen, that was bad money too, wrapped up in a paper, five ſhillings and ſeven ſixpences. There was a candleſtick and a piece of candle lying upon the floor, which appeared to me to have been very recently put out, the ſnuff was not ſtiff; and I found this blacking-pot.

SAMUEL HARPER *ſworn.—Examined by Mr. Fielding.* I was with the reſt of the officers, on the 4th of July: I went into the parlour, there was a woman crying out, murder, and ſtamping on the floor, I ſecured her, and took her into the back room; then the two priſoners were brought to me without gowns or ſtays, and I ſecured them; their hands were very black, as if they had been at work at that ſort of buſineſs. I afterwards went down and ſaw the liquid ſpread about, and I ſaw the things that Mr. Wray had found.

Mr. Fielding. (To Armſtrong). *Q.* Explain the uſe of theſe things?—*A.* That liquid is uſed to bring the ſilver to the ſurface; after that it is dipped in water, and wiped with a rag, they rub it between their fingers, and wipe it with a rag, and then the blacking is the laſt thing that is uſed, to take off the appearance of newneſs, and make them fit for circulation.

HENRY-WILLIAM ATKINSON *ſworn.*—Two of theſe ſixpences are very good, all the reſt are baſe; two of the ſhillings are good.

Willis's defence. The apartment did not belong to me, I only rent the parlour and the ſhop; I went down into the back kitchen to get a baſket, to divide ſome ſtrawberries; the officers ſaw the ſtrawberries.

Q. (To Armſtrong.) Did you ſee any ſtrawberries in the houſe?—*A.* Yes, they were claimed by a woman who was diſcharged; we took five women to the magiſtrates; there was no baſket in the houſe; they were claimed by the ſame woman that made the ſtamping

Willis. As to the dirt upon my hands it was copperas and logwood that I had been dying a gown with, it came off directly with a little warm water and ſome ſoap.

Sydney's defence. I know nothing at all about the place; I was benighted, and had gone there to ſhift as well as I could for the night.

Jury. (To Armſtrong.) Q. How were their nails?—*A.* They were quite yellow, and their fingers black almoſt all the way up with rubbing.

Q. *(To Wray.)* Did you obſerve their nails?—*A.* Yes; they were very yellow, and the fingers black.

Q. *(To Harper.)* Did you obſerve them?—*A.* Yes; they were exactly as they have been deſcribed, and they were ſo for two or three days.

Willis, GUILTY Death. (Aged 40.)
Sydney, GUILTY Death. (Aged 27.)

Tried by the firſt Middleſex Jury, before
Mr. Juſtice ROOKE.

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484. CATHERINE LAHEY and ANN WARNER were indicted for that they, on the 14th of Auguſt, a piece of baſe coin reſembling a ſhilling, falſely, deceitfully and traiterouſly, did colour, with materials producing the colour of ſilver.

Second Count. For that they a round blank of baſe metal, of a fit ſize and figure to be coined to the reſemblance of a ſhilling, did colour, with materials producing the colour of ſilver.

And in two other Counts, for colouring with materials producing the colour of ſilver, a piece of baſe metal reſembling a ſixpence.

(The indictment was ſtated by Mr. Knowlys, and the caſe opened by Mr. Fielding).

WILLIAM PERRY *ſworn.—Examined by Mr. Fielding.* I keep a houſe No. 5, King-ſtreet, Drury-lane; the two priſoners were lodgers of mine, they had the back garret: On the 14th of Auguſt, about two o'clock, I went up to their apartments to aſk them for the rent that was due to me; they told me they would pay me at night.

Q. What ſum was due to you?—*A.* One ſhilling and ſixpence; as I was coming down ſtairs I met with one Mary Comber, who lodged in the room next to theirs, and in conſequence of what ſhe ſaid I went into her apartment, and looked through a ſmall hole into the priſoner's apartments; I ſaw the priſoner Lahey ſitting with her face to me, and the other with her back towards me, I could ſee both their hands; I obſerved them rubbing ſomething between their thumbs and fingers with a rag, and putting it into a piece of paper, it appeared to be ſomething like ſixpences and ſhillings; I gave information at Bow-ſtreet, and the officers came in ten minutes; the priſoners had lodged in the houſe five weeks.

THOMAS DYER *ſworn.*—I am an officer belonging to Bow-ſtreet: I was the firſt that went up ſtairs, I puſhed the door open haſtily, Dowſet and Perry were with me; Lahey was ſitting with a little deal table before her, and Warner was ſtanding in the middle of the room; I told Lahey not to be alarmed, and I picked up a ſixpence that dropped from her; there were two other ſixpences which I picked up in nearly the ſame place within a minute after, I did not ſee them drop from her, *(produces them)*; theſe ſixpences I found lying upon the table in paper, exactly as they are now; this tea-cup was nearly three parts full of liquid, I taſted it, and it appeared to me to be aqua-fortis; while I was there ſomebody emptied it into a wooden bowl with water, that was upon the table, but I did not ſee it done; this blacking-cake Warner told me was for blacking ſhoes, I found it in this canniſter under the table, and this pot of lamp-black; their hands were very dirty.

THOMAS DOWSET *ſworn.*—I went with Perry and Dyer: I entered the room immediately after Dyer, I ſaw Lahey in the act of rubbing ſomething between her fingers and thumb; ſhe ſcreamed out, and dropped a ſixpence from her fingers; I ſearched Warner, but found nothing upon her, ſhe was ſtanding in the middle of the room; I ſearched the room round, but found nothing but what Dyer has produced; I ſaw the cup upon the table, but how it came emptied I cannot tell, it muſt have been done by one of the priſoners; there was but a ſingle drop of liquid left in the cup, which Dyer taſted, I did not.

JOHN ARMSTRONG *ſworn.—Examined by Mr. Fielding.* Q. You have been at the apprehenſion of a vaſt number of theſe people, and know the uſe of theſe ſort of articles?—*A.* Yes.

Q. What is the uſe of blacking?—*A.* To put among the money to take off the appearance of the newneſs; the aqua-fortis brings the ſilver to the ſurface, and then they rub them, and finiſh them with cream of tartar.

MARY COMBER *ſworn.—Examined by Mr. Fielding.* I lodged in Mr. Perry's houſe: On the 14th of Auguſt I met Mr. Perry on the ſtairs, I aſked him if they had paid him; he ſaid, no; I told him if they paid him in ſilver to be aware of it; I had been looking through a hole and ſaw the old lady, Warner, take a little pipkin off the fire, and the young woman ſaid, it was not boiled enough; ſhe brought it to the table and ſtirred it with ſomething, whether it was a ſtick or what I cannot tell, then ſhe poured it into a tea-cup, or a bowl, I do not know which; I then went and told Mr. Perry he might come and ſatisfy his curioſity, and he came up and looked through the hole.

Q. How long was this before the officers came from

from Bow-ſtreet?—*A.* About a quarter of an hour.

HENRY-WILLIAM ATKINSON *ſworn.*—*Examined by Mr. Fielding.* I am one of the moniers of the Mint.

Q. Look at theſe ſixpences?—*A.* They are all counterfeit.

Lahey's defence. I was coming paſt the New Church in the Strand, and I found a paper parcel; when I came home I opened it, and ſaw it was money, and when theſe gentlemen came into the room I was wiping the dirt off; whether it was good or bad I know not.

Warner's defence. We found the blacking and canniſter in the room when we came there, the room door was open always; I did not know whether the money was good or bad.

Court. (To Perry.) *Q.* Had you examined the room before they came?—*A.* Yes; nobody had ſlept in the room before they came except my apprentice, and I am ſure there were no ſuch things there then.

Lahey, GUILTY **Death.** (Aged 18.)
Warner, GUILTY **Death.** (Aged 56.)

Tried by the firſt Middleſex Jury, before
The LORD CHIEF BARON.

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485. JOHN LOWTHER was indicted for feloniouſly ſtealing, on the 21ſt of Auguſt, a wooden ſhew-board, value 6d. thirty pair of gold ear-rings, value 14l. five pair of compoſition ear-rings ſet in gold, value 15s. a baſe metal pin gilt with gold, value 4s. and twelve pair of gold wires for ears, value 36s. the property of John Sadler, in his dwelling-houſe.

MEDITATION SADLER *ſworn.*—I am the wife of John Sadler, a lapidary and working jeweller, I live at No. 51, Snow-hill, we keep a ſhop: On Tueſday evening, the 21ſt of Auguſt, between the hours of nine and ten o'clock, the priſoner came in with an ear-ring, and aſked me if I could match it; I told him, no, I had not any of the pattern; then he ſaid I could make one to that pattern; I told him it would not anſwer the expence to make a new dye on purpoſe; he ſaid I had odd ear-rings; I told him I might by accident; then he ſaid, he would ſell it, and purchaſe another pair; I did not feel myſelf willing to buy it, I did not chuſe to buy it, I was very unwilling to ſerve him, but I felt myſelf overpowered; he aſked me to ſhew him ſome ear-rings, I went and fetched a deal ſhew-board from the window, which contained gold ear-rings, with ſome compoſition and paſte pins; the priſoner put his hands on each ſide the board, and drew it to the edge of the counter, after holding up a ſlip of ear-rings to the candle; my lad looked under the man's hat and watched him; I heard a great noiſe like an iron crow, or a ſtout wire, and a great report upon the counter; no other perſon came in, but by ſome contrivance or other the drawer was drawn out at the door, and ſome of the things fell down at the priſoner's feet; I went to the door, being much frightened, and ſcreamed out thieves, the man continued in the ſhop; there was a corporal going paſt came up to my aſſiſtance; the priſoner was then going to run out with the ear-rings, but he knowing the corporal turned back, and put them down upon the counter, and then the conſtable came in and ſecured him.

Q. What became of the board?—*A.* It went clean out of the ſhop, I never heard of it again.

Croſs-examined by Mr. Knapp. *Q.* I take it for granted the ſame account you have given to-day you gave before the Magiſtrate?—*A.* Yes.

Q. The priſoner came in with the ear-ring in his hand?—*A.* Yes.

Q. Your ſhop was a ſhop that a perſon would naturally reſort to if they wanted ear-rings, or wanted an ear-ring mended?—*A.* Yes.

Q. When theſe ear-rings were upon the ground, the priſoner at the bar was picking them up, and you called thieves at the door?—*A.* Yes.

Q. And did he continue picking up the ear-rings after you had cried out thieves?—*A.* Yes, before and after.

Q. You ſaw no hand at all?—*A.* No; I am ſure there was no hand came in the ſhop at all, nor no perſon.

Q. Any perſon, beſides the priſoner, might have been under this place and moved the board?—*A.* No, I am ſure there was nobody elſe.

Q. How far is the ſhop-door from where this place was?—*A.* About a yard.

Q. Were not the hands of the priſoner above the counter at the time you heard that noiſe?—*A.* I cannot ſwear as to that, either one way or the other.

Q. Should you recollect the pattern of the ear-ring, if you ſhould ſee it, that the priſoner brought?—*A.* I think I ſhould.

Court. *Q.* What did you loſe?—*A.* Thirty pair of gold ear-rings, five pair of compoſition ear-rings, partly gold and partly compoſition, a gold locket, twelve pair of gold wires, three paſte pins, and a baſe metal pin.

JAMES M'DOWAL *ſworn.*—I had been teaching ſome gentlemen their exerciſe: As I was coming a few doors above Mr. Sadler's I heard a cry of thieves, I made what haſte I could; when I came there the laſt witneſs was at the door, unable to ſpeak, and the priſoner picking up the ear-rings in the ſhop, and coming to the ſhop-door I went into the ſhop, and ſaid, here is the thief, I know him; and then he turned to the right-about, quick time, and threw the things down upon the counter.

Q. Did.

Q. Did you know the man before?—*A.* Yes.

JOHN OSBORN *ſworn.*—I am a conſtable; I only apprehended the priſoner, that is all I know of it.

JOHN HORTON *ſworn.*—I live at No. 17, Union-court, Holborn; I am an apprentice to Mr. Sadler *(produces a board)*; this is a board of the ſame ſize that the man took away.

Priſoner's defence. I had broke an ear-ring in a young woman's ear, ſhe took the other out of her ear; I went to this gentlewoman's houſe to get it matched; ſhe ſaid ſhe had not any; ſhe agreed to to allow me 10d. for the odd one; I told her I would buy a new one; ſome perſon came in unknown to me, and ſnatched them off the counter; I ſtooped to pick up ſome that were fell down and put them on the counter; knowing the ſoldier, I deſired him to come in and ſpeak for me.

Court. (To M'Dowall.) Q. Did he deſire you to ſpeak for him?—*A.* No, he did not.

MARY ATTERBURY *ſworn.—Examined by Mr. Knapp.* I know the priſoner at the bar; he beat me, gave me ſeveral blows, and ſtruck me, and broke my ear-ring; he ſaid he would go and get another if he could match it, and he ſaid if he could not match it, he would buy me a new pair.

Court. Q. What are you?—*A.* A ſailor's wife.

Q. How do you get your bread?—*A.* I waſhed for this young man, and he ſtruck me becauſe I had not waſhed his linen as well as I ſhould; he took that liberty becauſe I was an unfortunate woman.

JOHN MANBY *ſworn.*—I am a butcher's porter; I live in Sharp's-alley, Cow-croſs; I work in Fleet-market; the priſoner has been my ſervant off and on for fourteen months, and is a hard-working, induſtrious young fellow.

GUILTY *Death.* (Aged 23.)

Tried by the London Jury, before Mr. COMMON SERJEANT.

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486. THOMAS GLOVER was indicted for feloniouſly ſtealing on the 3d of July, a ſilver watch, value 3l. the property of Mary Combes, in her dwelling-houſe.

MARY COMBES *ſworn.*—I live at Sommers-town, in the pariſh of Pancras. On the 3d of July I loſt my watch from the parlour over the chimney-piece, between five and ſix o'clock in the evening; I left my houſe to go next door of a few errands; I was gone about five minutes; as I came back, I ſaw the priſoner come out of my houſe; when I went in, I miſſed my watch, and followed the priſoner; I called out, ſtop thief, and Thomas Watcoate brought him back; the priſoner gave the watch up to the officer in my preſence.

WILLIAM BLACK *ſworn.*—I am an officer belonging to Bow-ſtreet; I was ſent for to take the priſoner into cuſtody at the Brill public-houſe at Sommers-town; they ſaid he had committed a robbery; as ſoon as I went in, the landlord ſaid, here is an officer, give him the watch, and the watch was delivered to me from this lady.

Mrs. Combes. I can ſwear to the watch by the ſtring and the caſe, it is worth 3l.

Priſoner. I wiſh to aſk the proſecutrix whether ſhe did not promiſe to forgive me?—*A.* I do not rightly know in the fright what I ſaid to him, I cannot ſay.

—— WATCOATE *ſworn.*—I brought the priſoner back to the houſe; there were ſome people in the tap-room, who ſaid, you had better give the lady back her watch, and then ſhe will forgive you, but I did not hear the lady ſay ſo at all.

Priſoner's defence. I leave myſelf to the mercy of the Court, I have neither father nor mother, ſiſter nor brother.

GUILTY of ſtealing, but not in the dwelling-houſe.

Impriſoned one year in the Houſe of Correction, and fined 1s.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice ASHHURST.

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487. THOMAS ROBERTSON was indicted for breaking and entering the dwelling houſe of John Winbolt, about the hour of twelve in the night of the 28th of July, with intent the goods therein being, burglariouſly to ſteal, and ſtealing fifteen duſting-cloths, value 6s. a table-cloth, value 2s. two coarſe aprons, value 6d. two round towels, value 6d. two ſilver table-ſpoons, value 16s. eight pounds of veal, value 5s. a pound and a half of butter, value 1s. 6d. a quartern loaf, value 8d. and half a pound of bacon, value 5d. the property of the ſaid John.

PHILADELPHIA WINBOLT *ſworn.*—I am the wife of John Winbolt; I live at North End, in the pariſh of Fulham; I was the laſt perſon up in the houſe; I went to bed about eleven o'clock, and ſaw the doors and windows all faſt; about five o'clock in the morning I was called up by a neighbour, and told that my pantry was broke open; no other part but the pantry was broke, it was a lattice, there was an iron bar went downwards, and another went acroſs, and the wire was broke away half way down, about nine inches, the lattice was ſecure over night; I miſſed the property mentioned in the indictment *(repeating them)*; I never ſaw the priſoner till I ſaw him at Bow-ſtreet.

RICHARD COLLINS *ſworn.*—I am gardener to the Ducheſs of Glouceſter, at Brompton; I got up at five o'clock on Sunday morning the 29th of July, and about half an hour after I ſaw the priſoner crawling up Mr. Hutchins's wheat field upon his

his hands and knees all the way through the wheat, and as ſoon as he got out of the field, he took to his heels and ran away, upon that I thought he had hid ſomething; I found a great number of apricots, about eleven dozen, and a bundle, containing the things mentioned in the indictment, and a large pair of pincers; I went after him, and another man with me, and we met him coming back again towards us with his coat under his arm; I ſaid to him, you are the man that belongs to that property in the wheat; me, ſays he, and tried to jump away from the man that was with me; he ſaid, he could not hold him, and then I caught hold of him by the collar; now, ſays I, if you will tell us where you had theſe things, and will carry them back again, we will have no further trouble with you, and he ſaid he had them from Hammerſmith; ſays I, my friend, that won't do, you muſt go with me to Juſtice Bond; upon that I took him down a long walk at the end of our garden, and told him to put his coat on, and as he was putting his coat on, I took two ſilver ſpoons out of his coat pocket; I ſaw one of the officers take one of Mr. Winbolt's cloths out of the priſoner's hat.

Q. Are you ſure the priſoner is the man that you ſaw come out of the wheat field?—*A.* Yes.

ROBERT WILSON *ſworn.*—I am under gardener to the Ducheſs of Glouceſter; I called up the laſt witneſs one Sunday morning, and we went acroſs the road to the gate leading into this wheat field, and ſaw the priſoner upon his hands and knees crawling in the wheat under the hedge; then when he came to the top of the wheat field, he came out, and had got about twenty yards from the place where we firſt ſaw him; we thought he was hiding ſomething; we went to look, and found a bundle; then we thought we would go and look whether he would come back to it, and then we met him coming back towards the field; we aſked him whether he belonged to it or not, and he ſaid he did not, and whether he had not been ſtealing that property, and he ſaid he had not; then he tried to get away from us, and Mr. Collins laid hold of him by the collar, took him down the garden, and as he was putting his coat on, he found the ſpoons in his pocket.

Q. How far was this from Mr. Winbolt's houſe?—*A.* About a mile and a half.

(The property was produced in Court, and depoſed to by Mrs. Winbolt.)

Priſoner's defence. I was going to the Serpentine-river to bathe, and going through this field, I ſtopped to eaſe myſelf, and there I found this bundle lying, I picked up the ſpoons, and put them in my pocket; I remember ſeeing theſe two men upon the ſtyle; I went back to aſk them if they knew any thing about it, and they took me into cuſtody.

GUILTY (Aged 21.)

Of ſtealing the goods, but not guilty of the burglary.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury, before Mr. COMMON SERJEANT.

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488. MARY CLARKE was indicted for feloniouſly ſtealing on the 25th of July, a muſlin gown, value 10s. 6d. the property of Joſeph Burton,

JOSEPH BRODIE *ſworn.*—I am a pawnbroker in Whitechapel: On the 25th of July we miſſed a gown that had hung at the ſhop door, between ſeven and nine in the evening; I do not know who took it.

ANN DELLY *ſworn.*—I ſell fruit facing the door of the Juſtice's office; the priſoner and another young woman followed me to the corner of the court where I live, and the priſoner deſired me to pledge a gown for her; I put up my barrow, and forgot to aſk her how much I ſhould aſk upon it; I went back to aſk her, and when I got back, I was told ſhe was taken up; I was going to pledge it in Spitalfields; I left the gown with a woman that ſells fiſh in Whitechapel, while I went to enquire whether ſhe was taken up or not; I put it into the woman's baſket; two men came by, and ſaw me put it in the baſket, and while I was gone the two men took it up to the office; I cannot rightly ſwear whether it was the priſoner or the other woman that gave me the gown.

Q. How long have you known the priſoner?—*A.* Some time.

Q. Are you ſure ſhe had ſomebody with her?—*A.* Yes.

Q. How came you not to ſay ſo at firſt?—*A.* I did ſay ſo, and the officer was after the other woman as well.

Q. Which of them gave you the gown?—*A.* I believe it was this woman, but I cannot rightly ſwear to it.

Q. Did ſhe ſay why ſhe wanted to pawn it?—*A.* She ſaid, becauſe one John Clarke wanted to cut it to pieces.

Q. What is John Clarke?—*A.* He belongs to the firſt regiment; he uſed to live with the priſoner.

ROBERT COOMBES *ſworn.*—I am an officer belonging to Lambeth-ſtreet; two gentlemen brought this gown to the office, and ſaid they had ſeen two women put it into a fiſh baſket; they thought it was not honeſtly come by, and therefore brought it to the office; the fiſh-woman ſaid it was Ann Delly's; I found her, and ſhe ſaid ſhe met with

with Poll Clarke and Poll Burn together, and they gave it her to pawn. I took Poll Clarke, the Tuesday after.

Q. You seem pretty well acquainted with them? —*A.* Yes; I have known them all some time.

Prisoner's defence. I know nothing about it, I did not give her the gown.

NOT GUILTY.

Tried by the first Middlesex Jury, before Mr. COMMON SERJEANT.

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489. JOHN HOWARD was indicted for feloniously stealing, on the 15th of August, a pewter pot, value 2s. and three pint pots, value 3s. the property of Thomas Creswell.

THOMAS CRESWELL *sworn.*—I live in the New Road, St. Mary-le-bone, I keep a public-house: On the 15th of August, some of my pots were brought to me in a basket.

——— MORLEY *sworn.*—I am a lead-manufacturer: On the 15th of August, between eight and nine, I put a pint pot upon the rails facing my little house, at the back of the British Constitution, near Lisson-green; I saw a young man come and take it off the rail, and go and put it in the prisoner's basket, and then he ran away; I alarmed the publican, and pursued after him; I took the prisoner with the basket to Mr. Williams's, and sent for a constable, and he found the pint pot. The prisoner was standing just by my little house at the time the other man put it into his basket; and then he lifted it up, and walked off. I never saw any thing of the other man after.

JOHN BLANCHARD *sworn.*—*(Produces a basket, containing four quart and six pint pots).* I was sent for to take charge of the prisoner and the basket; I found one pot in his coat pocket besides. There were ten in the basket, and one in his pocket.

Prosecutor. Three of these pints and one quart belong to me; they have my name upon them.

Prisoner's defence. The young man that was with me, was the occasion of my being brought into the situation that I am in. I am a gentleman's servant out of place, and have been a long time; he was a gentleman's servant out of place also; I met with him one day, and he told me, if I would meet him the next morning, he would tell me of something to my advantage; and then he proposed this plan, he was to give me two shillings a morning, to carry the basket for him. This was the second morning that I had gone out with him; it was distress that drove me to it. The young man said, his name was John Wilson, but I do not know where he lives.

GUILTY (Aged 30.)

Transported for seven years.

Tried by the first Middlesex Jury, before Mr. COMMON SERJEANT.

490. ROBERT-LADBROOKE TROYTE was indicted for forging, on the 20th of August, a certain order, for the payment of money, with the name, Robert Sturdy, thereto subscribed, the tenor of which is as follows:

No. 39, Pall-Mall. London, 20th August, 1798.

Messrs. Devaynes, Dawes, Noble and Co. Pay Sir William Blakiston, or bearer, seventy-five pounds. Robert Sturdy.

with intent to defraud William Devaynes, John Dawes, William Noble, and William Close.

Second Count. For uttering and publishing as true, a like forged order, for payment of money.

Third and fourth Count. For like offences, with intent to defraud Robert Sturdy.

(The indictment was stated by Mr. Knapp, and the case opened by Mr. Const).

HANNAH BARKER *sworn.*—*Examined by Mr. Knapp.* I am the wife of John Barker, a porter at Lincoln's Inn.

Q. Do you know the prisoner at the bar, Mr. Troyte?—*A.* Yes.

Q. Where do you live?—*A.* No. 27, Chancery-lane. In the course of the last month, towards the fore part of it, it was either on a Monday or Tuesday, the prisoner came to my house, and brought two drafts for my husband to go to the bankers, to bring different notes in change; my husband was not at home, I put them in a drawer till my husband came home.

Q. How soon did your husband return?—*A.* It was within an hour.

Q. Did you give these notes, that you received from the prisoner, and had put into the drawer, to your husband?—*A.* I did.

Cross-examined by Mr. Knowlys. *Q.* Can you write?—*A.* I can just write my name.

Q. You cannot read writing?—*A.* No.

Q. You do not know a draft upon a banker from any thing else?—*A.* No.

Court. *Q.* Did you give the same pieces of paper to your husband that you had from the prisoner?—*A.* Yes.

JOHN BARKER *sworn.*—*Examined by Mr. Const.* I am a porter of Lincoln's-Inn, I live at No. 27, Chancery-lane: I received from my wife, two drafts, in the course of the last month, one for 140l. and one for 75l. I was to go to the bankers with them, to get cash or notes, I think it was wrote at the back, for notes; I went to Messrs. Devaynes and Co.'s, in Pall-Mall; the drafts were written upon their checks.

Q. What name was signed at the bottom of the draft?—*A.* Sturdy.

Q. Do you remember what you received for them?—*A.* Two hundred and fifteen pounds in Bank-notes, I do not recollect how many notes there

there were; I brought them home, and wrapped them in a ſheet of paper, and ſealed it.

Q. Where did you carry them?—*A.* I took them where I had taken ſome before.

Q. Where was that?—*A.* To a court in White-croſs-ſtreet; I delivered them to a woman that was in the ſhop.

Q. Who did you deliver them there for?—*A.* The priſoner at the bar.

Q. Did the priſoner reſide at that ſhop?—*A.* I do not know that he did; I had left others there before. The woman put them upon a little table, and I told her to take care of them; and the man made anſwer, I am going to them.

Court. Q. What deſcription did you give her of the perſon to whom they were to be delivered?—*A.* I told her, I had brought a parcel for the ſame gentleman that I had brought a parcel for a great while ago.

Mr. Conſt. Q. Who was that gentleman?—*A.* The priſoner at the bar.

Q. You left them with that woman and the man?—*A.* Yes.

Croſs-examined by Mr. Alley. Q. I believe you were taken up on ſuſpicion of being concerned in this tranſaction?—*A.* Yes, I was.

Q. You were examined before Mr. Ford, at Bow-ſtreet?—*A.* Yes.

Q. I believe, from the account you gave not being reliſhed by the Magiſtrate, he committed you to jail?—*A.* I ſuppoſe ſo.

Q. Now do you mean to tell us, that the account you have given to day, is the ſame account you have always given of the tranſaction?—*A.* As far as I have anſwered to.

Q. Do you mean to tell us, that the account you have given to day, tallies with that which you gave when you were firſt interrogated?—*A.* No.

Q. Did not you happen to ſay, that you brought theſe notes to Mr. Sturdy's?—*A.* No.

Q. Did you never ſay, after the priſoner was apprehended, before the Magiſtrate, that you had given the priſoner the notes in the ſtreet?—*A.* Not theſe notes; other notes I did.

Q. The notes in queſtion, you left at the green grocer's ſhop, to be called for?—*A.* Yes, in Long's-buildings.

Q. You were not at home when this parcel was firſt left?—*A.* I was not.

Q. Then all you mean to ſay is, that you got 215l. in return for two checks, and put them up in paper, and left them at the green grocer's ſhop?—*A.* Yes.

Q. You were from home at the time they were left, and therefore you could not know who had left them?—*A.* I had ſeen the perſon in the morning.

Q. You had not ſeen the priſoner from the time you carried the parcel till you ſaw him at Bow-ſtreet?—*A.* No.

Court. Q. Did your wife tell you who ſhe had them from?—*A.* She did not know his name, nor I neither, till after that.

Mr. Conſt. Q. The perſon you left them for was the priſoner at the bar?—*A.* Yes.

Q. And you had left them for the priſoner before?—*A.* Yes.

Q. The day you got the notes you had met him in the ſtreet?—*A.* Yes, in the morning, upon Snow-hill; he ſtopped me, and ſaid, he had got a meſſage for me to go where I had been before.

Court. Q. Did he tell you his name?—*A.* No.

Mr. Conſt. Q. Do you know where he lived?—*A.* No; I underſtood he was a pupil of Mr. Sturdy's, an attorney in Boſwell-court.

Q. You had known him ſome time in that capacity?—*A.* Yes; I was at home at dinner the firſt time he came to me, he gave me a ſheet of paper with a direction upon it; he deſired me to put the notes up in that cover, ſeal it up, and carry it according to that direction; and when I met him upon Snow-hill, I was to carry them to the ſame place.

THOMAS STERRY *ſworn.*—*Examined by Mr Knapp.* I live at No. 1, Long's Buildings, White-croſs-ſtreet; I am a letter-founder, my wife keeps a green-ſtall.

Q. Look at the laſt witneſs; do you remember that man coming to you at any time?—*A.* No; I cannot ſay whether that is the man or not.

Q. *(To Barker.)* Is this the man that you ſaw at the ſhop?—*A.* I cannot ſay.

Q. *(To Sterry.)* Did any perſon bring you a parcel at any time?—*A.* Yes; a porter brought a blank piece of white paper ſealed up.

Q. What did you do with it?—*A.* I took it and delivered it to the young man that lodged with me, when he came home.

Q. Was your wife, or a woman, in the ſhop at the time?—*A.* There was a woman in the ſhop at the time.

Q. Who was the young man to whom you gave it?—*A.* Robert Troyte, the priſoner at the bar.

Q. That you are ſure of?—*A.* Yes.

Q. Did you give it him ſealed as it was?—*A.* Yes, exactly.

Q. How long has the priſoner lodged with you?—*A.* Ever ſince the 25th of March.

Q. Did you know his ſituation in life?—*A.* He was clerk to Mr. Sturdy, a lawyer, in Boſwell-court.

WILLIAM CLOSE *ſworn.*—*Examined by Mr. Conſt.* I am a partner in the houſe of Devaynes and Company.

Q. What are the names of the partners?—*A.* William Devaynes, John Dawes, William Noble, and William Cloſe.

Q. Do

Q. Do you remember, on the 20th of Auguſt, paying two drafts, as you ſuppoſed, to the order of Mr. Robert Sturdy?—*A.* Yes; they were made payable to bearer, and drawn by Robert Sturdy, one for 75l. and the other for 140l.

Q. Is that the 75l. draft that you ſo paid? *(Shewing it him.)*—*A.* Yes, it is.

Q. Who did you pay it to?—*A.* To Barker, the porter, I had paid ſeveral before to him; he was accuſtomed to write upon the back how he would have them, and upon this is wrote ſeven twenties.

Mr. Knowlys. Q. I take it for granted you made a memorandum in your book immediately how you had paid it?—*A.* Yes.

Mr. Conſt. Q. The perſon who demanded the money ſhewed you, at the back, how it was to be paid?—*A.* Yes.

Q. Did you follow thoſe directions?—

Mr. Knowlys. Q. I muſt beg firſt to aſk another queſtion.—Have you any memory how you paid them, except your books?—*A.* No; I put in the book how I paid them.

Q. Therefore you rely upon your book, and not upon your memory, how you made your payment?—*A.* Certainly.

Court. Q. Are you poſitively certain, without recurring to the books, that you paid it according to that direction at the back?—*A.* Yes, I am certain of it; I gave ſeven 20l. notes of following numbers for the 140l.; and for the other, I gave a 50l. two tens, and a five.

Mr. Conſt. Q. You have diſcharged Mr. Sturdy of the account?—*A.* Yes.

Croſs-examined by Mr. Knowlys. Q. I think you told me as to the memory of numbers, you rely upon the books entirely?—*A.* I recollect theſe two drafts coming late in the evening.

Q. But have you any recollection of the numbers of the notes, without recurring to your books?—*A.* Certainly not.

Q. Was not a Mr. Croft a partner in your houſe at that time?—*A.* No.

Q. Is there no other perſon but the four whoſe names you have mentioned that derives any profit from the buſineſs?—*A.* No.

HENRY EVANS *ſworn.*—*Examintd by Mr. Knapp.* I am one of the Bow-ſtreet officers.

Q. Did you apprehend the priſoner at the bar?—*A.* I did not; I was at the office on Wedneſday evening when the priſoner was brought there by Noble and Owen; I ſearched him, and found upon him Bank-notes to the amount of 210l.

Court. Q. That was the amount of the two drafts?

Mr. Cloſe. No, it was 5l. ſhort.

Q. *(To Evans.)* Did you take any account of the amount of thoſe notes?—*A.* I marked them all; I firſt ſhewed them to a gentleman who was in the room with me and the priſoner, and afterwards I ſealed them with my own ſeal, and it was ſealed with the ſeal of the office likewiſe.

Q. Look at that?—*A.* This is the ſame parcel, this is the ſeal that was put to it at Bow-ſtreet; I gave them to Mr. Cloſe.

Mr. Cloſe. I have had them ever ſince.

Q. *(To Evans.)* Where about did this paſs?—*A.* In a back room, up one pair of ſtairs.

Q. Had you any converſation with him?—*A.* No.

Q. You marked the notes—look and ſee if theſe are the ſame?—*A.* Theſe are the ſame notes. *(They were given to Mr. Shelton.)*

Mr. Shelton. Here are two 10l. one 50l. and ſeven 20s.; the 20s. begin with No. 1542 and end with 1548.

ROBERT STURDY *ſworn.*—*Mr. Knowlys.* I object to Sturdy as a witneſs.

Mr. Conſt. We have a releaſe. *(Produces it.)*

Mr. Conſt. Q. Do you know the young man at the bar?—*A.* Yes, he came to me as clerk in the month of May, 1797, and continued to live with me till the 27th of July, when he withdrew himſelf upon the plea of being indiſpoſed, and having been for ſome time diſſatisfied with his appearance, I had given orders that he was to be diſmiſſed, and no more to enter my office.

Q. Be ſo good as look at that draft—is the ſignature your hand-writing?—*A.* Certainly not, or any part of the draft.

Q. Are Meſſrs. Devaynes and Co. your bankers?—*A.* Yes.

Q. Can you ſay whoſe hand-writing it is?—*A.* I am ſorry to ſay it has too much the appearance of his writing, I believe it to be his.

Q. Did you give him authority to draw upon your banker?—*A.* Certainly not.

Croſs-examined by Mr. Knowlys. Q. He is a very young man?—*A.* About eighteen.

Q. His friends live in Warwickſhire, I believe?—*A.* Yes; I never obſerved any thing improper till this; he was in a very inferior ſituation in my office.

GEORGE OWEN *ſworn.*—I am an attorney, and aſſiſtant to Mr. Sturdy for four years paſt.

Q. Do you know the priſoner?—*A.* Yes.

Q. Do you know his hand-writing?—*A.* Yes, as poſitively as I can ſpeak to any other hand than my own, I believe the body of it is his hand-writing, and I verily believe the ſignature to be his alſo. *(It is read.)*

No. 39, Pall mall, London, 20th Auguſt, 1798.

Meſſrs. Devaynes, Dawes, Noble, and Co.

Pay Sir Wm. Blakiſton, or bearer, ſeventy-five pounds. Robert Sturdy.

GUILTY Death. (Aged 17.)

Tried by the ſecond Middleſex Jury, before Mr. Juſtice ASHHURST.

491. THOMAS ALLEN was indicted for feloniouſly ſtealing on the 26th of Auguſt, three linen ſhifts, value 21s. a pair of ſheets, value 21s. a towel, value 6d. four pair of ſilk ſtockings, value 40s. four other ſilk ſtockings, value 2s. and two linen aprons, value 6d. the property of Richard Chaloner, in his dwelling-houſe.

ELIZABETH CHALONER *ſworn.*—I am the wife of Richard Chaloner, I live at Sommers-town; we loſt a pair of ſheets, three ſhifts, a towel, four pair of ſilk ſtockings, four odd ones, and two old aprons.

Q. What are they worth altogether?—*A.* About ſeven pounds. On Sunday, the 26th of Auguſt, I left my houſe about ſix in the evening to go to church; I left two children at home, one nine and the other ſeven years old; the priſoner came to ſee the parents of the child of ſeven years old; I came home about half paſt eight o'clock, and miſſed the things about ten off the ironing-board; the linen was in a bundle, the ſilk ſtockings hung upon the horſe in the other room; I take in waſhing; there had been eight pair of ſilk ſtockings, but he left four odd ones behind; I have never ſeen them ſince; I went the ſame evening to his mother's; I have known him ſome time; his mother ſent him abroad about three years ago, and he has lately come back; I met him after that, and I laid hold of him, but he made a blow at me and got away; in a few days after that I met with him again in Dyot-ſtreet, and laid hold of him again, and he got away from me again, and then I gave information at the office in Bow-ſtreet, and they took him.

JOHN BIRKS *ſworn.*—I was looking out at the window between ſix and ſeven o'clock; the priſoner came and knocked at Mrs. Chaloner's door; nobody came for a minute or two, and then he knocked again, and then the door was opened; the priſoner went in, and I ſaw no more of him for ten minutes or a quarter of an hour; then the priſoner came out again with a bundle under his arm, a large bundle wrapped up in a ſort of a coarſe apron or ſomething of that kind; the priſoner went up the ſtreet, and I ſaw no more of him.

Q. *(To Mrs. Chaloner.)* How had you left this bundle?—*A.* In a browniſh ſheet.

JOHN GLOVER *called.*—Q. How old are you?—*A.* Seven.

Q. Do you know what an oath is?—*A.* No.

Q. What will become of you if you do not tell the truth?—*A.* I ſhall be taken up and put in priſon.

Q. What will become of you after your death, if you do not ſpeak the truth?—*A.* I ſhall go to the naughty man. *(He is ſworn.)*

Q. Do you remember any perſon coming to your houſe of a Sunday night, about ſix weeks ago?—*A.* Yes, Thomas Allen; I had ſeen him often before at our houſe, and he gave Dick a penny to buy ſome cakes; I was in the yard at play when he came in, and he ſat down upon a box in the paſſage by the yard door; I went into the yard again to play; he ſaid he would not go away till I went to play; he went away, and then I went after him, and ſaw he had got a bundle under his arm in a red pocket handkerchief, he had the bundle tied in it.

Q. Now are you quite ſure the priſoner is the man that you ſaw go away with the bundle?—*A.* Yes, I am.

WILLIAM BLACK *ſworn.*—I live next door to Mrs. Chaloner; I am an officer belonging to Bow-ſtreet; I deſired her to let me know if ſhe could tell where he was to be found; ſhe ſent for me, and I ſearched Dyot-ſtreet for him without effect; the next morning I went again to Dyot-ſtreet, between eight and nine, and ſat in a houſe to watch; I took him juſt as he was going in at a door in Dyot-ſtreet.

Priſoner's defence. I came home from ſea about a month ago; I called on the Sunday evening to aſk Mrs. Glover how ſhe did, as ſhe was a relation of my mother's, and they ſaid it was me that robbed the houſe, becauſe I had a blue coat on.

GUILTY **Death.** (Aged 20.)

Tried by the ſecond Middleſex Jury, before
The LORD CHIEF BARON.

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492. THOMAS SUMMERS and JOHN RUDD were indicted for feloniouſly ſtealing on the 15th of Auguſt two tons weight of Aberdeen paving ſtones, value 40s. the property of Alexander Goudge.

ALEXANDER GOUDGE *ſworn.—Examined by Mr. Knapp.* I am a pavier in White-lion-ſtreet, Norton Falgate: On the 13th of laſt month I had a ſhip at Hawley's wharf, Eaſt Smithfield, but that wharf doing a great deal of buſineſs, we were obliged to cart them away as ſoon as they were thrown on ſhore; this cargo was a particular cargo of ſmall granite ſtones from Aberdeen.

Q. Did you employ a perſon of the name of Yandall to cart away theſe ſtones from the wharf to your premiſes?—*A.* I did that cargo.

Q. Have you ſeen thoſe ſtones ſince?—*A.* Yes, in Mr. Batho's yard; I went there in conſequence of ſome information on the 24th, and there I ſaw 600 weight of ſtones, of the value of from 40s. to 50s. they correſpond exactly in ſize and quality with thoſe I landed myſelf, as near as poſſible.

Q. From the correſpondence of the ſpecies and ſort of ſtones, were they of the like quality with theſe?—*A.* I never ſaw any correſpond ſo much; they

they were a particular kind of ſtones for paving ſtables.

JOSEPH BATHO *ſworn.* I am a pavier, in partnerſhip with my father.

Q. Do you know a perſon of the name of Gatehouſe?—*A.* I do; I was deſired by my father to meet him in Nightingale-lane, in conſequence of a bargain having been made between them; I went to Gatehouſe to know in what manner he came by the ſtones which he ſhewed to me in a place called Black-horſe-yard; I aſked him how he came by them, and from his vague manner of anſwering me, I had a ſuſpicion; he took me to the Dundee arms, in Nightingale-lane, and there introduced me to the landlady of the houſe, and ſhe informed me ſhe had lent Gatehouſe thirteen ſhillings to pay for theſe ſtones; in conſequence of that I thought it was conſiderably under price, and I mentioned my ſuſpicions to my father; we conſulted, and thought it beſt to remove the ſtones to our own premiſes for ſecurity; they were what we call ſix and ſeven inch Aberdeen granites; I removed them to our yard, and on the Wedneſday morning I applied to Mr. Goudge, mentioning that I thought theſe ſtones were his property; my father had agreed with Gatehouſe for 1l. 11s. 6d. they are worth more than that; I appointed Gatehouſe to come for the money, and I appointed Mr. Goudge to come at the ſame time; they met, and in conſequence of his ſtrange way of telling how he came by them, we all three went to Nightingale-lane to make enquiries of a Mr. Huffin, that he ſaid he had bought them of, but Mr. Huffin ſaid, he had given him no orders to purchaſe ſtones; then he ſaid they came out of a Scotch veſſel at New-crane, Wapping, and we knew very well that no Scotch veſſels ever came there; then he ſaid he had them from two men that drove a brick cart, but did not know who they were; then ſuſpicions fell upon the two priſoners, who had worked for Mr. Yandall; I went with Mr. Goudge, and they were taken up.

Croſs-examined by Mr. Alley. *Q.* Gatehouſe gave different accounts of theſe ſtones?—*A.* Yes.

Q. Which excited your ſuſpicion of him?—*A.* Yes.

Court. *Q.* What kind of ſtones were theſe?—*A.* For paving ſtables; they are a kind of ſtones ſeldom imported.

EDWARD YANDALL *ſworn.—Examined by Mr. Knapp.* I am a maſter carman; I had orders from Mr. Goudge to cart away ſtones from Hawley's wharf; we carted ſome on the 14th, ſome on the 15th, and ſome on the 16th of laſt month; the two priſoners were employed by me for that purpoſe; there were ten loads each day; I pay them ſo much a turn each day.

Croſs-examined by Mr. Alley. *Q.* Do you know what quantity of ſtones you had received?—*A.* We generally draw about two ton and a half.

Q. Were there any other perſons employed at that place?—*A.* Not by me.

Q. You booked their work every night?—*A.* Yes.

Q. And if you had obſerved any thing improper, you would have noticed it at the time?—*A.* Certainly if I had known it.

EDMUND CRAY *ſworn.—Examined by Mr. Knapp.* On the 15th of Auguſt the two priſoners brought in but nine loads inſtead of ten.

Q. Do you know what ſort of ſtones thoſe were?—*A.* Yes, granites, nine inches deep; I was not out of the yard the whole day.

Croſs-examined by Mr. Alley. *Q.* All you mean to ſay is, that the priſoners brought nine loads of ſtones?—*A.* Yes.

Q. You do not know how many loads were delivered to them at the wharf?—*A.* No.

Q. Therefore nine loads might have been all that were delivered to them for any thing you know?—*A.* I cannot ſay, I was not at the wharf.

Court. (To Yandall.) *Q.* Did they, upon the 15th, repreſent to you that they had carried ten loads?—*A.* They did, and it was booked accordingly; I have my book here *(produces it)*; it is read: 15th, ten loads of ſtones, Hermitage Tenter-ground, Rudd and Summers.

Mr. Alley. *Q.* Was that book made from what the priſoners ſaid to you, or is it taken down from any thing that any body elſe has told you?—*A.* No, I had it from themſelves.

MICHAEL BROWN *ſworn.—Examined by Mr. Knapp.* I am a pavier in Virginia-ſtreet, Ratcliff-highway; I think I know the priſoner Summers; he ſhot a load of ſtones on the 15th or 16th of Auguſt, I will not be poſitive which, on my premiſes, at the back of one of my houſes.

Q. What ſort of ſtones were they?—*A.* What we call ſix inch Aberdeen granite; I made him load them again, and take them away off my premiſes, becauſe I did not think they were honeſtly come by.

Croſs-examined by Mr. Knapp.—Q. You will not ſwear it was Summers?—*A.* No; but to the beſt of my knowledge he is the man.

JOHN GATEHOUSE *ſworn.—Examined by Mr. Knapp.* I am a pavier.

Q. Do you know the priſoners, Rudd and Summers?—*A.* I cannot ſay that I do.

Q. How came you before to have ſaid that you did?—*A.* I never have ſaid ſo; I might have ſeen the men before, becauſe I ſaw them at the Rotation-office twice, and once at Clerkenwell.

Q. How often have you been in Clerkenwell priſon

priſon ſince they have been in cuſtody?—*A.* Only the ſame day.

Q. So you do not recollect whether you had ever ſeen theſe men before that time?—*A.* No; there was a man came to me about ſome ſtones, but I was ſo much in liquor that I do not know who he was.

Q. Did you ſhare any money as the profit of any granite ſtones?—*A.* No; they told me I paid ſome money; the landlady ſaid, ſhe had lent me thirteen ſhillings, but what for I cannot tell.

WILLIAM TREASURE *ſworn.* I am a pavier.

Q. Do you know Gatehouſe?—*A.* Yes; I am employed by him.

Q. Do you know the priſoners at the bar?—*A.* Yes; I ſaw them, on a Sunday in Auguſt, at the Dundee-arms, in Nightingale-lane.

Q. Was anybody elſe by at the time?—*A.* Gatehouſe.

Q. What did the priſoners come for?—*A.* I cannot ſay; I was coming up Nightingale-lane, and Gatehouſe called me in to have a drink of beer; I ſaw him pay ſome money to the priſoners, but I do not know what it was for.

Q. Then you do not know any thing at all about any ſtones in Black-horſe-yard?—*A.* No.

Court. (To Goudge.) *Q.* What ſort of a ſtone is a nine inch deep ſtone?—*A.* That old man is ninety-two years of age, and he has made a miſtake in giving his evidence.

The priſoners left the irdefence to their Counſel, and Summers called two witneſſes who gave him a good character.

Summers, GUILTY (Aged 40.)
Rudd, GUILTY (Aged 51.)

Confined two years in the Houſe of Correction, and fined 1s.

Tried by the ſecond Middleſex Jury, before
The LORD CHIEF BARON.

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493. JOSEPH PEACHEY was indicted for feloniouſly ſtealing, on the 7th of July, twenty-nine yards of woollen cloth, value 22l. the property of Edward Roberts, in his dwelling-houſe.

EDWARD ROBERTS *ſworn.*—I am a woollen-draper, in Bedford-court: On the 7th of July, I loſt a quantity of woollen cloth, ſixteen yards of ſuperfine, and not quite fourteen yards of an inferior cloth; the priſoner came to my houſe on the Saturday afternoon between three and four o'clock, I was then in my parlour, and, in fact, where I did not think I could be ſeen in the ſhop; it ſtruck me that there was ſomebody in the ſhop, I turned round and ſaw the priſoner, with the cloth, going out at the door; I followed him immediately without my hat, he went down Bedford-court, I followed him; when he had got a little way he turned back, and I ſaw his face very clearly; he then mended his pace, went down Chandos-ſtreet, into Caſtle-court; finding he was going rather a-head of me, I cried out, ſtop thief, and he ran; he then threw the cloth down, which I ſaw him do, I paſſed the cloth, and continued crying ſtop thief; when I came to the bottom of Caſtle-court, I ſaw him upon the pavement on the other ſide of the Strand; I called out, that is the man; he then ſprung round quickly, and turned down Durham-yard; a general purſuit then took place, and he was taken by ſome perſons, who are here, in Durham-yard; he was brought back to my houſe, and the cloth was brought to my houſe by a woman, who is here, *(produces the cloth)*; the ſame ſtring that was round the cloth then is round it now, and I can ſwear to the cloth by the numbers upon it, and I have tickets of the cloth in my own ſhop beſides; I have not the leaſt doubt upon earth of the cloth being mine.

Croſs-examined by Mr. Alley. *Q.* You purſued through a number of courts and turnings, and therefore muſt have loſt ſight of the perſon?—*A.* No; I was in ſight of him all the time till after he dropped the cloth; in going down Durham-yard I loſt ſight of him.

Q. That was at a conſiderable diſtance from the Strand?—*A.* Yes.

Q. You did not ſee the face of the perſon while he was in your ſhop?—*A.* No, only his back.

Q. Have you any partner?—*A.* No, I have not.

Court. *Q.* Was the perſon that was brought back from Durham-yard, the ſame perſon that you had followed from your ſhop with the cloth?—*A.* Yes, I am certain of it.

JAMES ENGLISH *ſworn.*—I am a watch-maker, I live at the corner of Durham-yard: I heard the cry of ſtop thief, I ſaw the priſoner run acroſs the Strand, he turned down Durham-yard, I followed him cloſe upon his heels; he ran under the Adelphi-wharf, where I took him, and brought him up to Mr. Roberts's ſhop, and there we kept him till we got an officer to take him to Bow-ſtreet.

ABRAHAM RIDE *ſworn.*—I work at Mr. Philpot's wharf: I was going down to the accompting-houſe, and heard a cry of ſtop thief; I ſtopped the man, and he told me he would give me a guinea and a half to let him go; I told him, no, if he was my brother, or my father, I would not let him go.

Croſs-examined by Mr. Alley. *Q.* Did not you take hold of another man at the ſame time?—*A.* No, I did not.

ANN LARGIN *ſworn.*—I ſell fruit in Caſtle-court: The cloth was thrown againſt my back.

Priſoner's defence. I was going through the Strand, and down Durham-yard, when that man laid hold of

of me, and another man at the ſame time; I know nothing at all about the cloth.

GUILTY Death. (Aged 22).

Tried by the ſecond Middleſex Jury, before Mr. Juſtice ASHHURST.

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494. SUSANNAH TAYLOR was indicted for that ſhe, on the 20th of Auguſt, being in the dwelling-houſe of Thomas Draper, feloniouſly did ſteal nine dimity petticoats, value 38s. three muſlin frocks, value 40s. two damaſk table-cloths, value 20s. a diaper table-cloth, value 2s. a linen ſheet, value 10s. a counterpane, value 10s. a linen ſhirt, value 4s. two neckcloths, value 2s. four pair of cotton ſtockings, value 8s. a pocket-handkerchief, value 6d. a muſlin handkerchief, value 1s. two muſlin gowns and petticoats, value 30s. two cotton frocks, value 2s. a dimity waiſtcoat, value 2s. a ſilver milk pot, value 12s. ſix ſilver tea-ſpoons, value 12s. a pair of ſilver ſalts, value 12s. and ſix ſilver table-ſpoons, value 40s. the property of Thomas Draper; and the indictment further ſtated, that about the hour of twelve at night, of the ſame day, ſhe, the ſame dwelling-houſe, did feloniouſly and burglariouſly break and get therefrom, againſt the form of the ſtatute.

THOMAS DRAPER *ſworn.*—I am a ſadler, I live at Stoke-Newington, in the pariſh of St John, Hackney; I carry on buſineſs in Biſhopſgate-ſtreet, the priſoner at the bar was my ſervant: On Tueſday, the 21ſt of Auguſt laſt, I got up about ſeven o'clock in the morning, I went into the kitchen, and the windows were not open, nor the fires lighted; I then went up ſtairs into the front parlour, and ſaw the ſaſh puſhed up as high as it could be puſhed, and the ſhutters not faſtened; I could not find my ſervant, I went up ſtairs and alarmed my family.

Q. Was the ſaſh faſtened over night?—*A.* I am not quite ſure, but I thought it was bolted, or elſe I ſhould have faſtened it, it was down; when I came down I miſſed the things named in the indictment; I miſſed ſome of the articles, and my wife and daughter miſſed the reſt; I miſſed a ſilver milk-pot, ſix tea-ſpoons, two ſilver ſalt-ladles, one pair of ſilver ſalts, and ſix ſilver table-ſpoons; I had ſeen ſome of them the day before, two table-ſpoons were about in common, and the milk-pot was upon the board in common uſe; I always lock the ſtreet-door, and carry the key up, and we thought ſhe muſt have got out at the window; the next morning I went to be ſhaved, and ſaw a Mr. Clark, a pawnbroker, and I told him what the things were, and begged him to ſtop them and the parties if they ſhould be offered to him; he went out and came back directly, and ſaid, his man had taken the ſpoons in that morning; he then adviſed me to go to the different pawnbrokers; Mr. Clark went with me, and the firſt we went to from his houſe was Mr. Daviſon's, a pawnbroker, and he ſaid, he believed he had two of the ſpoons; he produced two of the table-ſpoons, and likewiſe a gown and petticoat belonging to my wife. We then went to ſeveral other pawnbrokers.

Q. Do you know any thing more about the priſoner at all?—*A.* No.

Q. Nor had any converſation with her?—*A.* None.

Priſoner. At times I have been very inſenſible, that I have not known what I have been doing.

Court. (To Draper). *Q.* Did you ever perceive that in her?—*A.* No; ſhe had only lived with us three weeks.

JOHN BRIDGEN *ſworn.*—I am ſervant to Mr. Clark, a pawnbroker, in Biſhopſgate-ſtreet: On Tueſday, the 21ſt of Auguſt, the priſoner at the bar came to our ſhop between ſeven and eight in the morning, and brought a pair of table-ſpoons, and aſked me to lend her ſeventeen ſhillings upon them; I lent her ſeventeen ſhillings upon them; I aſked her whoſe ſpoons they were; ſhe ſaid, they were her miſtreſs's, Mary White, a houſekeeper, No. 5, New-ſtreet. I am ſure the priſoner is the ſame woman.

Draper. Theſe are my ſpoons, I can ſwear to them; here is a creſt upon them, with the initials of Thomas and Jemima Draper.

JOHN KUFF *ſworn.*—I live with Mr. Fullwood, pawnbroker, No. 30, Barbican: On Tueſday, the 21ſt of Auguſt, between ſix and ſeven o'clock in the evening, the priſoner came to me, and offered to pledge a gown, petticoat, waiſtcoat, two frocks, and a handkerchief. Mr. Draper had informed me, that morning, that his ſervant had robbed him, and I ſtopped her.

JEMIMA DRAPER *ſworn.*—I know this petticoat to be mine, it is tucked and flounced; this is the gown belonging to it; that waiſtcoat I am quite ſure of, it has been many years in wear; and theſe frocks, I have the patterns in my pocket. I can ſwear poſitively to all theſe things.

Priſoner. My miſtreſs knows that my head was bad.

Mrs. Draper. She has complained of her head; when ſhe has had a little liquor, her head has been bad, but otherwiſe ſhe was very well.

Priſoner's defence. I found my head getting bad, and I wiſhed my miſtreſs to diſcharge me the week before, but ſhe ſaid, I was a good ſervant, and did not like to part with me.

Mrs. Draper. I had a very good character with her; ſhe did want to go a week before, and I did not like to part with her.

Mr. Kirby.

Mr. Kirby. One of my turnkeys knew her when ſhe was at the mad-houſe, at Hoxton.

GUILTY (Aged 58.)

Of ſtealing to the value of 39s.

Confined two years in the Houſe of Correction, and fined 1s.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice ROOKE.

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495. JAMES HARDWICKE, otherwiſe TAYLOR, was indicted for feloniouſly ſtealing, on the 17th of July, three pair of ſilk ſtockings, value 32s. and a pair of cotton drawers, value 4s. the property of Richard Threſher.

(The witneſſes were examined apart at the requeſt of the priſoner).

RICHARD THRESHER *ſworn.*—The priſoner came into my ſhop, on Tueſday, the 17th of July, between the hours of three and four, and a woman with him; ſhe aſked to look at ſome cotton ſtockings; I ſhewed her one parcel, which did not ſuit her; I then produced another bundle, and ſhe made choice of one pair, which were paid for, five ſhillings; juſt at that moment came on a violent ſhower of rain and a thunder ſtorm; they were very well dreſſed, the man had not the appearance then that he has now; I aſked them if they would ſtay till the rain was over, which they accepted; I quitted the counter, and went to my deſk. In a very ſhort time after, my nephew, who is my ſhopman, came round to me, and wrote upon a piece of paper, that the priſoner at the bar had pocketed ſome ſilk ſtockings; I aſked him, if he was ſure of the fact; he ſaid, he was. The man and woman both drew towards the door, it then rained very hard; one was ſtanding on one ſide the door, and the other on the other; I told them, they had better ſtop till the rain was over; the man ſaid, no, he did not mind a little rain, and was in the act of moving off; upon which, I took hold of him by the collar, and pulled him into the ſhop; he, at that inſtant, turned his back to the counter, and pulled theſe goods out of his pocket, I ſaw him pull them out; there are three pair of ſilk ſtockings and a pair of cotton drawers, which I am ſure are my property; the ſilk ſtockings are my own manufacture, there is my name in them; and the drawers I know, becauſe they tally exactly with the quantity that I had of this quality. The counters were a good deal confuſed at the time, and there were a number of ſtockings upon them. He made a great deal of reſiſtance, broke my ſhin in two places; he could not eſcape that way, and he ran up ſtairs, threw up the window, and got in at my next door neighbour's. We ſent for aſſiſtance from Bow-ſtreet, and he was taken.

Croſs-examined by the Priſoner. Q. Were there any other people in the ſhop at the time?—*A.* Yes; two gentlemen that had been giving me an order for the Indies, they were the ſons of Mr. Cooper, of Southampton-buildings; there was likewiſe a lady, of Argyle-ſtreet, whom I know perfectly; ſhe ſaw the whole of the tranſaction.

Q. Were there any other things upon the oppoſite counter?—*A.* No ſtockings.

Q. Did I not buy the cotton ſtockings?—*A.* No.

Q. Did I not give you half-a-guinea, and receive five ſhillings and ſixpence in change?—*A.* I cannot ſay whether the half-guinea came from the priſoner's pocket, or the woman's.

Court. Q. Which pocket did he take them out of?—*A.* I cannot ſay poſitively, it was ſo inſtantaneous, that I cannot ſay, I believe he put his hand in both pockets, but I am poſitive he took them out of either one pocket or the other.

JOHN THRESHER *ſworn.*—I came home about three o'clock, I ſaw the priſoner there, and knowing his face, and having miſſed things after he had been gone, I watched him, and ſaw him put three pair of ſilk ſtockings into his pocket; upon which, I immediately informed Mr. Threſher, by a note; if I had ſpoke, he muſt have heard me; by that time, the priſoner was gone outſide of the door, with the ſtockings in his pocket; Mr. Threſher then laid hold of him, and told him, he had got ſome things that he ſhould not have, and pulled him into the ſhop; he wanted to be ſearched; I told him, it was of no uſe to be ſearched, for I had ſeen what he had taken. We immediately ſent for a conſtable to ſecure him; and he ſtruck me ſeveral times, in attempting to get from us.

Croſs-examined by the Priſoner. Q. Did you not ſay, before the Magiſtrate, that you could not ſwear that you ſaw me take them out of my pocket?—*A.* I did not ſee you take them out of your pocket, I ſaw them immediately after they were pulled out. I am poſitive I ſaw him put them in his pocket.

PHILIP FIRMIN *ſworn.*—I live next door to Mr. Threſher: On Tueſday, the 17th, between three and four, the priſoner came in at my front window up one pair of ſtairs; I was at dinner; I met him on the ſtairs, he appeared very much confuſed; I got him into the counting-houſe, and there we ſecured him; he reſiſted very much, and gave himſelf many unneceſſary airs; it was with great difficulty that we ſecured him.

Priſoner's defence. I had been drinking a great deal; I have had a fractured ſkull twice, and my brain is affected at times.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before The LORD CHIEF BARON.

496. THOMAS

497. THOMAS WARD was indicted for feloniouſly ſtealing on the 22d of Auguſt, a ſilver tea-ſpoon, value 12d. the property of Hans-William Willoughby, and a ſilver ſtock-buckle, value 4s. the property of Samuel Wray.

SAMUEL WRAY *ſworn*.—I am ſervant to Mr. Willoughby, of Highbury-barn: On the 22d or 23d of Auguſt we loſt a tea-ſpoon in the night; I got up to mowing in the morning, and the tea-ſpoon was gone, I had the care of it; the property was found upon the priſoner a day or two after by a perſon who is here, his name is Coggeſhall; there is Highbury marked upon the ſpoon.

RICHARD COGGESHALL *ſworn*.—I am a conſtable of the pariſh of Chriſt Church; I was ſent for to the Duke of York, to take the priſoner upon the charge of uttering counterfeit money; I told him I was a conſtable, and inſiſted upon ſearching him; I found a ſilver tea-ſpoon bent in this manner *(producing it)*, and this ſilver ſtock-buckle ſet with ſtones; I went up to Mr. Willoughby to inform him of it; he told me the ſpoon was his property.

Wray. This ſtock-buckle is my property, I can ſwear to it with certainty.

Priſoner's defence. I had been out of place about a week, I heard of a place at the Windmill-inn, St. John ſtreet, and then I met a man who uſed to be a waiter at the Paul's-head, Cateaton-ſtreet, and he gave them to me to ſell for him, and told me to meet him the next day at Highbury-barn; he ſaid he was going up there as day waiter.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice ASHHURST.

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498. SARAH CLARK was indicted, for that ſhe, on the 18th of September, in the 32d year of his Majeſty's reign, by the name of Sarah Wright, ſpinſter, did marry Henry Clark, and afterwards, on the 19th of June, in the 38th year of his Majeſty's reign, did take to huſband one George Hale, Henry Clark, her former huſband, being then alive.

GEORGE HALE *ſworn*.—I was married to the priſoner at St. Ann's, Soho, on the 19th of laſt June; I have the regiſter of my marriage. *(Produces it.)*

Croſs-examined by Mr. Gurney. Q. How long had you known this woman before you married her?—*A*. About three months.

Q. She had viſited you, or you her?—*A*. The firſt meeting we had was in the ſtreet, in Long-acre.

Q. Where was the next interview?—*A*. She called upon me.

Q. How many times might ſhe call upon you?—*A*. Several times.

Q. Did you ever call upon her?—*A*. No, I never did; I went to her friends; I had called upon her at her firſt couſin's; ſhe ſaid her huſband had been dead a twelvemonth.

Q. You never viſited her at her own home?—*A*. No; and when we came to the point of marriage, ſhe put me to my oath that I ſhould have her, and no other woman.

Q. Upon your oath, did not you know that ſhe was a married woman, and have you not done this in order to prevent a proſecution againſt yourſelf?—*A*. No; ſhe ſaid her huſband was dead.

Q. What gave you any ſuſpicion that ſhe was married?—*A*. I had no ſuſpicion of it.

Q. You found it out in a fortnight after?—*A*. Yes.

Q. And you might have found it out before if you had made the ſame enquiry?—*A*. Yes; ſhe was with me one week, and then ſhe went away from me to her firſt huſband, and in a fortnight after I found out that ſhe was married.

Court. Q. You met with her firſt in Long-acre?—*A*. Yes, after I left work in the evening, ſhe was coming home with ſome linen, I believe, or ſomething of that ſort, ſhe had a bundle in her hand.

Mr. Gurney. Q. Have you ever made her an offer ſince ſhe has been in Newgate, that if ſhe would come back and live with you, you would not proſecute her?—*A*. No, I have not; it was her firſt huſband that took her up, and he has uſed me very ill, and would not come to the Court; and then he ſaid, if I would not come forward and proſecute he would proſecute me; and then he ſaid he wiſhed he had not done it, for he wanted to live with her again.

ANN QUILTER *ſworn*.—I was preſent at the firſt marriage.

Q. Have you got the regiſter here?—*A*. No, the firſt huſband has got it; ſhe was married at the church of Great Coggeſhall; her huſband's name was Henry Clark.

Q. How long ago is it?—*A*. About ſix years, as near as I can tell.

Q. Did they live together as man and wife after?—*A*. Yes.

Q. Is he now living?—*A*. Yes, he is.

GUILTY.

Fined 1s. and impriſoned three months.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice ROOKE.

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499. JOSEPH HAWKES was indicted for feloniouſly ſtealing on the 25th of July, forty-four pounds weight of lead, value 8s. belonging to George Romney, Eſq. fixed to a certain houſe of his, againſt the form of the ſtatute.

(The

(The case was opened by Mr. Vaillant.)

WILLIAM CAMBLIN *sworn.*—I am a patrol at Hampstead: On the 25th of July I was upon my beat with Dyker; we met the prisoner with a load upon his back at half past two in the morning, upon the Heath, about a quarter of a mile from Mr. Romney's; I asked him what he had got there; he said, you see; I told him to stop, and I called my partner and took him to the watch-house, and under a high wall we found a quantity of lead; we took him to Mr. Bond the next morning, and he directed me to take him to Hatton-garden. Mr. Cook came up to Mr. Bond's house, and the lead was sent to the top of Mr. Romney's house; I did not go with it.

DAVID DYKER *sworn.*—I was with Camblin, I collared the prisoner and assisted in taking him to Mr. Bond's; he had a quantity of lead upon his back; I went with Mr. Cook, the plumber, and the lead, to Mr. Romney's house; Mr. Cook fitted it to the top of the house.

THOMAS COOK *sworn.*—I am a plumber; I put the lead upon the top of Mr. Romney's house; I was sent for by Mr. Bond on the 26th of July, and fitted the lead on, there were 44 pounds of it, *(produces it)*; it was a hip that was taken off, and the nail-holes corresponded.

Q. Are you able to say with certaintly, that that lead came from the top of Mr. Romney's house?—*A.* Yes; I put the lead on the house originally, about five or six months before.

Prisoner's defence. I went to ease myself against the wall, and picked up the lead; I made no resistance.

GUILTY (Aged 33).

Transported for seven years.

Tried by the second Middlesex Jury, before The LORD CHIEF BARON.

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500. RICHARD LLOYD was indicted for feloniously stealing, on the 13th of August, an iron coulter, value 3s. two iron tucks, value 12d. two iron keys, value 2d. and two iron bolts, value 6d. the property of James Sheares, and three iron thimbles, value 2s. the property of John Hall.

JAMES SHEARES *sworn.*—I live at Kensington: On the 13th of August I lost the iron work belonging to a plough, a coulter, two tucks, two bolts, and two keys; when I went down to the plough, I missed them; when I went home at breakfast time, I heard that Mr. Hall's man had taken a man with some iron; I went to Mr. Hall's to see if my iron was there or not *(produces it)*; I know this coulter to be mine, it is marked with a cross.

Q. Is that a mark that is commonly upon it, or one that you ordered to be put upon it?—*A.* No, I did not order it.

Q. There may be that cross upon other coulters besides your's?—*A.* Yes, there may.

Q. Is that all you know it by?—*A.* Yes; the tucks I cannot swear to, they fitted the plough exactly.

Q. Can you undertake to say that these are the irons belonging to your plough?—*A.* I am satisfied they are the irons belonging to my plough.

CHRISTOPHER NORTH *sworn.*—I am servant to Mr. Hall; I took these pieces of iron from the prisoner, there are three thimbles that I know to be Mr. Hall's, they were broke off a gate; I took them to the gate and tried them; I am sure they are Mr. Hall's, every hole fits the place; I found a great quantity more of iron within a few yards of the same spot; when I saw him, he was bringing Mr. Sheares's coulter out at the gate.

Prisoner's defence. I had nothing in my hand at all when they laid hold of me; one of the men had a pistol, and they said I had been pulling the gate to pieces; I told them I would go with them, and they might see. GUILTY (Aged 45.)

Confined one year in the House of Correction, and fined 1s.

Tried by the second Middlesex Jury, before Mr. Justice ASHHURST.

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501. GEORGE ROSE was indicted for feloniously stealing on the 16th of August, a muslin shawl, value 1s. 6d. and two silk handkerchiefs, value 4s. the property of Henry Spinkes.

HENRY SPINKES *sworn.*—I am a publican, in the Minories: I was not at home at the time the things were lost.

JANE SPINKES *sworn.*—I am the wife of Henry Spinkes: The prisoner, George Rose, came to our house on the 11th of August, he said, he had come home in one of the Indiamen, and he was a perfect stranger in London, and wished to have a lodging; he laid that night at our house; and then he asked me to lend him five shillings, which I did; he said, his clothes were at Mr. Wallis's, at Gravesend, and wished me to accommodate him with a clean shirt till he could get his things; I lent him one, and he went out, and I saw no more of him till Wednesday, the 15th of August, between four and five in the afternoon, he came in a coach, and was very much in liquor; I told him to go and lie down, which he did for two hours; he asked me to lend him 5s. more; I told him I should do no such thing, and as he was walking towards me, I saw a shawl of mine hanging out of his pocket, I had been washing them; I sent up the servant to see how the things were, and she came down, and said, there were a great many handkerchiefs and things gone; upon that I went up and found two silk handkerchiefs and the shawl missing; I then came down and sent for an officer; he found the silk handkerchiefs

handkerchiefs in his hat, I saw the officer take them out.

JOHN BRIDGER *sworn*.—I am a headborough of St. George's in the East; I was sent for by Mrs. Spinkes on Wednesday, the 15th of August, about five o'clock; I found these two silk handkerchiefs in his hat. *(Produces them.)*

Mrs. Spinkes. This is my shawl, and the silk handkerchiefs have the initials of my husband's name.

Prisoner's defence. I was quite groggy, I went up to lie down, I had a 5l. note and two guineas and a half in gold, I had it for wages from the India Company. I came from India in the Marquis of Lansdown East-Indiaman; I had received 14l. 3s. 3d. that day at the India-house, and put it under my pillow, and when I waked my money was gone, and every thing was gone, my neckcloth was gone; there was a woman came into the room while I was there; I have been here four weeks; I have no friends at all, nor any body to give me any thing, but the allowance of bread; somebody had put two handkerchiefs into my hat as it hung upon the nail.

Q. (To Bridger.) What is the character of this house?—*A.* It is a house of very good character.

Q. Did he say any thing when he was taken up of having been robbed of his note and money?—*A* I did not hear him.

MARY CONNOR *sworn*. *Q.* Did you ever see any note of his, or money?—*A.* No, I did not.

(Here the Court dispatched a messenger to the India-house, where an enquiry was made.)

Q. (To Mrs. Spinkes.) When George Rose came to you on the 15th of August, did he say any thing about his wages?—*A.* He said he was going to the Pay-office, at the India-house.

Q. About what time was it?—*A.* About eleven.

Q. What time did he go out?—*A.* He did not go out at all that day; he went up stairs for about two hours, between four and five.

JOSEPH RAY *sworn*.—I am a clerk in the Pay-office in the India-House.

Q. Do you know on what day George Rose received any pay, or any body for him?—*A.* On the 18th of August.

Q. Who received the money?—*A.* Margaret Peterson, acting as attorney for Gregory Peterson, who keeps the Ship, in Wapping.

Q. (To Mrs. Spinkes.) What is your sign?—*A.* The Globe, in Globe-street, Wapping.

Mr. Ray. He signed the bill of sale on the 12th of July.

GUILTY (Aged 22.)

The prisoner was recommended by the Jury to the mercy of the Court.

Transported for seven years.

Tried by the second Middlesex Jury, before Mr. Justice ROOKE.

502. ANN PRICE and MARY MADDEN were indicted, the first, for feloniously stealing, on the 6th of September, five muslin handerchiefs, value 4s. two muslin pocket handkerchiefs, value 1s. 6d. a pair of cotton stockings, value 12d. a pair of dimity pockets, value 12d. a muslin cap, value 6d. two towels, value 6d. a linen shift, value 2s. 6d. a dimity petticoat, value 3s. 6d. a muslin gown, value 10s. and a linen gown, value 5s. the property of Susan Smith; and the other, for receiving the same goods, knowing them to have been stolen.

There being no evidence to affect the prisoners, except the confession of the prisoner, Price, extorted under a promise that it would be better for her, they were

Both ACQUITTED.

Tried by the second Middlesex Jury, before Mr. COMMON SERJEANT.

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503. ELIZABETH JEAN was indicted for feloniously stealing, on the 2d of August, privately from the person of Elizabeth Trevallion, a half-guinea, a half-crown, a shilling, and two Bank-notes, each of the value of 1l. the property of Robert Kell.

ELIZABETH TREVALLION *sworn*.—I live at No. 1, Hackney-road, facing Shoreditch church; I am an apprentice to Mr. Robert Kell, he is a box-maker: On the 2d of August, about ten o'clock in the morning, I went out with some boxes to Messr. Burton and Busby's, in the Strand, hatters; I received two 1l. Bank-notes and half-a-guinea, half-a-crown, and one shilling; I asked several people in Covent-garden, to give me a pin to pin it up in a bit of rag, I had it in my hand. There were two young women under the Piazzas, I asked them to give me a pin, and one of them did, that was the prisoner; she saw a halfpenny at the top of the money, that I had put to keep the paper down upon it, before I put it in the rag; she asked me, if it was pinned up safe, I told her, it was; she asked me where I was going to put it; I said, in my pocket; she said, for God's sake, not to put it in my pocket, I might lose it out; I said, no, I should not lose it; and she told me to put it down my bosom, she said, she would put it down for me; and she put her hand down, and told me, when I wanted it, to feel on my right side, and I should find it; I was going for some goods for my master, I felt for my money, and could not find it; I went back again to the woman that was sitting by her, and asked her where she was gone; she said, she did not know; and a man told me, she had gone into the public-house, the Old Adam's-arms; I went and found her there; the gentlemen that were sitting there, asked me if I was willing to have her searched; I said, yes; then she denied that she had it; I said, I was sure that she had it; and then she took

took it from under her child's petticoats, and flung it under a coal-hole, where there were ſaucepans and kettles, and it fell among the coals; the beadle of St. Martin's pariſh picked it up, I ſaw him pick it up; I told him, there were two 1l. notes very clean, and a half-guinea rather crooked, a half-crown, and one ſhilling; and he unpinned it, and found it the very ſame.

ROBERT KELL *ſworn.*—I know nothing about it; all that I know is, that it was my money.

JOHN YOUNG *ſworn.*—I am beadle of St. Martin's pariſh: On the 2d of Auguſt, I was in Bedfordbury, about twelve o'clock, the witneſs came wringing her hands, and ſcreaming terribly; I aſked her the cauſe, and ſhe ſaid, a woman with a child, in a bed-gown; that was all I could get out of her; a man paſſing by, ſaid, there was a woman of that deſcription gone into the Old Scotch-arms; I went in, and charged her with ſtealing a child, for I did not know what it was; ſhe ſaid, the child was her own; the girl then came in, and ſaid, you cruel woman, you have got my notes and my money, which ſhe denied; then I aſked her to go with me into another room, to ſearch her; I took her into that room, and by the corner of the fire-place was a cupboard without a door, and the moment ſhe went into the room, ſhe went up to that place, and turned ſhort; I thought ſhe had thrown ſomething there, ſhe ſaid, ſhe had not; I told her, I ſhould ſearch her, but firſt I ſhould ſearch that cupboard, where there were pots and kettles and lumber; I began ſo to do, and was ſome time in pulling out the pots, and ſhe ſaid, to ſave further trouble, I did throw it there; I looked for ſome time, and found it, *(produces it)*; the girl deſcribed what was in it, and it tallied with her deſcription.

Priſoner's defence. I was tying up ſome flowers, under the Piazzas, and this girl came up and aſked me for a pin, which I gave her; and ſhe deſired me to put that bit of rag a good way down her boſom, and I did; ſhe ſtaid after that, I dare ſay, ten minutes, picking up ſome flowers that I had thrown away; after ſhe was gone, I found the rag among my flowers, and I went with it to this public-houſe; I heard the girl crying, I told her, I had not got the money, I had got the bit of rag, and threw it under that place.

GUILTY of ſtealing, but not privately. (Aged 24).

Confined two years in the Houſe of Correction, and fined 1s.

Tried by the firſt Middleſex Jury, before Mr. Juſtice ROOKE.

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504. MARY BARBER was indicted for feloniouſly ſtealing, on the 10th of July, two cotton gowns, value 20s. a black calimanco petticoat, value 7s. a white dimity petticoat, value 7s. a black ſilk cloak, value 10s. 6d. a muſlin ſhawl, value 3s. a muſlin apron, value 2s. a ſilver hat-buckle, value 12d. and a pair of ſtays, value 8s. the property of Mary Sheath, in her dwelling-houſe.

MARY SHEATH *ſworn.*—On the 10th of July, I loſt the things mentioned in the indictment, *(repeating them)*. I left the priſoner in the care of my place when I was out; ſhe had a room in my houſe, in Maypole-court, Eaſt-Smithfield; there was nobody elſe left in the houſe; my brother came to fetch me to nurſe my ſiſter in her lying-in. I came home on the Tueſday, and found the things taken away out of my drawers, and the priſoner gone. I found her afterwards, and the tickets were found upon her. She had left the key with a neighbour next door.

JAMES SMITH *ſworn.*—I am an apprentice to a pawnbroker: I know the priſoner at the bar, ſhe commonly dealt at our ſhop: On the 10th day of July laſt, ſhe brought a muſlin apron ſtriped, which ſhe pledged with me. *(Produces it)*.

Mrs. Sheath. I know this to be my apron by a tear in the gathers.

JAMES BRUCE *ſworn.*—I am ſervant to a pawnbroker: On the 10th of July, I took in a cotton gown, a dimity petticoat, and a muſlin handkerchief, from a young woman, but I cannot ſay it was the priſoner. *(Produces them)*.

Mrs. Sheath. I know this ſhawl to be mine by a hole at the corner; and here are two yellow ſpots in it, where it had been rather mildewed; I have no doubt this dimity petticoat is mine, the top of it is turned in, inſtead of being cut off, which is very uncommon; this gown I had altered and made long ſleeved; I altered it myſelf in the body.

Priſoner's defence. That woman enticed me away from my mother, and introduced me into bad company, becauſe her huſband was under ſentence of death, and ſhe had no other means of getting a livelihood.

PETER WILSON *ſworn.*—I have known the priſoner ſeven years, ſhe is a very honeſt girl, I live next door to her, the proſecutrix has taught her bad tricks, and enticed her away from her father and mother; ſhe is about eighteen years of age; they went to take a houſe of ill fame together. Mrs. Sheath has gone under that character many years.

ANN WILSON *ſworn.*—I am the wife of the laſt witneſs: I have known her five or ſix years, ſhe is a very honeſt girl; her father and mother are hard working people, and ſhe uſed to go to ſervice. It is reported, that the proſecutrix enticed her away from her father's houſe.

EDWARD DURDON *ſworn.*—The priſoner's father and I have worked together fourteen years; I never

never heard any bad character of her from her infancy, barring this tranſaction.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice ASHHURST.

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505. ELIZABETH GREEN was indicted for feloniouſly ſtealing, on the 9th of July, a black ſilk bonnet, value 1s. 6d. a cloth apron, value 6d. a yard of white ribbon, value 1d. and 3s. 6d. in money, the property of Jeremiah Crawley, privately from the perſon of Mary Crawley.

MARY CRAWLEY *ſworn.*—I am the wife of Jeremiah Crawley: I loſt the bonnet off my head, and my apron, and three ſhillings and ſixpence out of my pocket; I went to the Swan with Two Necks, in Tothill-ſtreet, and the priſoner was ſtanding there; I enquired for one Mrs. Wood, and the priſoner went with me to get me a room; ſhe took me to the houſe, and took me backwards to the neceſſary, I wanted to go there; I had been up all night, and happened to fall aſleep, and ſhe cut my apron-ſtring and took it, and ſhe took my bonnet off, and three ſhillings and ſixpence out of my pocket; the duplicates were found upon her by the conſtable.

THOMAS SPALDING *ſworn.*—I am a ſoldier in the third regiment of guards, I rent the houſe where this theft was committed: I had occaſion to go to the neceſſary and this old lady was crying there; I aſked her what ſhe was crying about, and ſhe told me ſhe had been robbed; I aſked her what ſhe had been robbed of; ſhe told me a woman had brought her in there, and had cut the apron from her ſide, and had taken a ſilk bonnet off her head, and three ſhillings and ſixpence in ſilver; I aſked her who it was that had robbed her; and ſhe ſaid a woman, ſhe did not know where ſhe was gone to; and then I aſked her if ſhe ſhould know the woman if ſhe ſaw her; ſo I called my own wife, and another woman, and ſhe ſaid neither of them was her; ſo I went out at the door, and enquired who had brought this woman in, and I learned it was the priſoner at the bar; I had known her by ſight before, I live in the Almonry; I found out the priſoner, and ſent for an officer to ſearch her, his name is Eaſtwood; I ſaw him take a duplicate out of her boſom of the apron and the bonnet.

DAVID EASTWOOD *ſworn.*—I am a patrol belonging to Bow-ſtreet: The laſt witneſs came for me to apprehend the priſoner; I went with him and ſaw the perſon that had been robbed, and the priſoner at the bar; I aſked the priſoner if ſhe had robbed that poor old woman; ſhe ſaid, no; I ſaid, I am a government officer, and I will ſearch you; I put my hand down her boſom, and between her ſtays and her ſkin, I found a private pocket, in which there was the ticket of the bonnet and the apron; I then left her in the cuſtody of Spalding, while I went to the pawnbrokers, where I found the property. *(Produces it).*

Mrs. Crawley. This is my bonnet, it is the beſt bonnet I have got to my head; I know the apron by there being a white ribbon along the top of it.

—— BURRELL *ſworn.*—I am ſervant to Mr. Parker, a pawnbroker: I took in theſe things of the priſoner, on the 9th of July.

Priſoner's defence. I met a woman with a barrow, ſhe gave me the things to pawn, and I pawned them for one ſhilling; I gave her the ſhilling, but had not time to give her the duplicate before I was taken up.

GUILTY of ſtealing to the value of 10d.

Confined ſix months in the Houſe of Correction, and fined 1s.

Tried by the firſt Middleſex Jury, before Mr. Juſtice ASHHURST.

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506. JAMES ROBINSON, ANN ROBINSON, and ELIZABETH wife of JOHN ROBINSON, were indicted for breaking and entering the dwelling-houſe of Richard Robinſon, about the hour of two in the night of the 22d of June, and burglariouſly ſtealing a ſilver caſtor-ſtand with a wooden bottom, value 3l. 3s. ſix ſilver table-ſpoons, value 5l. ſeven ſilver tea-ſpoons, value 1l. 10s. a pair of ſilver ſalts, value 2l. a ſilver milk-pot, value 1l. a baſe metal wine-ſtrainer plated with ſilver, value 7s. a ſilver punch-ladle, value 10s. 6d. two ſilver ſalt-ſpoons, value 5s. a pair of ſilver ſleeve-buttons, value 2s. a gold breaſt-buckle, value 3s. a hat, value 10s. 6d. a pocket-book, value 16s. three linen ſhirts, value 1l 10s. a yard and a quarter of cambric, value 1l. a ſilk handkerchief, value 3s. eleven yards of linen cloth, value 1l. 10s. and a linen handkerchief, value 2d. the property of the ſaid Richard Robinſon; ſix ſilver ſpoons, value 1l. 1s. a gold enamelled picture-frame, value 5l. 5s. a gold ring, value 12s. another gold ring, value 9s. a pair of gold ear-rings, value 4s. two gold drop ear-rings, value 10s. a cut-glaſs necklace, value 4s. a pair of ſtone ear-drops, value 2s. a dimity petticoat, value 2s. ſix pair of ſilk ſtockings, value 18s. three pair of cotton ſtockings, value 8s. ſix aprons, value 2l. two cotton gown pieces, value 2l. 18s. a muſlin gown piece, value 2l. 16s. nine yards of calico, value 1l. 3s. five yards of linen cloth, value 1l. a muſlin cloak, value 5s. ſeven yards and a half of lace, value 1l. two pounds weight of thread, value 2s. one pound weight of ſewing cotton, value 1s. a wooden crimping-board and roller, value 6d. and a leather trunk, value 2s. the property of Margaret Willon, ſpinſter; and a Bank-note, value 1l. the property of the ſaid Richard Robinſon.

There

There being no evidence to bring the charge home to the prisoners, they were

All Three ACQUITTED.

Tried by the London Jury, before
Mr. COMMON SERJEANT.

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507. JAMES HONEY was indicted for feloniously stealing, on the 24th of July, in the dwelling-house of Thomas Lock, a guinea, three shillings, and two one pound Bank-notes, the property of the said Thomas.

THOMAS LOCK *sworn.*—I keep the Bell-inn, in Warwick-lane: On the 24th of July last, I was standing in a passage leading from Newgate-market to our yard, and the prisoner came up to me; some little time ago I had made some alterations in the house, and the prisoner congratulated me upon my success, and took me by the hand; I had known him by sight, he was formerly a master butcher many years; I believe he said he would go in, and take something to drink; I went into the bar with him, this was about half past five in the evening; previous to that, I had desired my wife to put three pounds four shillings out of the till, it was lying in the bar when the prisoner and I went in: there were two one pound Bank-notes, a guinea, and three shillings; there was a good deal of company in the coffee-room, and I thought somebody called; I went into the coffee-room, and left the prisoner with my wife, and when I returned, he was gone; I pursued him to St. John's-lane, where I heard he lived, I found he did not; I called in at the Fortune-of-war, the corner of Cock-lane, and found him at No. 9, in it; I directly collared him, and said, you have taken some money from me; says he, I know nothing of it; upon which, I said, I would send for an officer; the prisoner said, he was an officer himself; I said, that was of no consequence, I would send for another; while the person was gone, he wished very much to go out, I said, he should not go from me till the officer came; he then again requested it; I observed him rather agitated, and he had his hand in his left-hand breeches-pocket; I told the officer to do his duty, and that he had better put his hand into that pocket first, which the officer did, and pulled out two one pound Bank-notes, a guinea, and three shillings, with five counterfeit guineas, pocket-pieces; the moment the money was out, he put it on the table, and said, I found it in your passage, and any body else might as well have taken it as I. I was a little agitated, and left him with the constable.

Q. Have you known much of him—has he been a respectable man?—*A.* Yes.

Cross-examined by Mr. Gurney. *Q.* When you say counterfeit guineas, you mean pocket-pieces, such as are bought of the Jew boys?—*A.* Yes, he had no other money.

MARY LOCK *sworn.*—I am the wife of the last witness: On the 24th of July Mr. Lock brought the prisoner to the bar; I had laid down in the bar two one-pound notes, a guinea, and three shillings; my husband went out into the coffee-room; when he came back, I asked him if he had taken up the money, and he said, no.

Cross-examined by Mr. Gurney. *Q.* There were other persons about your bar?—*A.* No other person came into the bar.

Q. Was there no person going by?—*A.* No.

Q. Was your attention so particular as to observe that?—*A.* Yes.

Q. Should you know the numbers of the notes?—*A.* No.

(The constable produced the property.)

Mr. Lock. These are very much like the notes, but I did not take the numbers.

Court. Nor was it necessary after what has passed.

Mr. Lock. I have made enquiry, my Lord, and I find he has been a very respectable man.

(The Court thought it unnecessary to examine a great number of witnesses, who appeared to the prisoner's character.)

GUILTY (Aged 50.)

Of stealing, but not in the dwelling house.

Confined two months in Newgate, and fined 1s.

Tried by the London Jury, before
Mr. COMMON SERJEANT.

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508. WILLIAM RUSSELL was indicted for feloniously stealing on the 15th of August, a silver tea-pot, value 3l. 10s. and three tea-spoons, value 10s. the property of Arthur Anstey, Esq. and a black silk cloak, value 21s. the property of Elizabeth Patey, spinster, in the dwelling-house of the said Arthur.

(The case was opened by Mr. Watson.)

JOHN BOND, Esq. *sworn.—Examined by Mr. Watson.* I live in Charlotte-street, Bloomsbury, directly opposite Mr. Anstey's: On the 15th of August I was standing at my drawing-room window a little before seven o'clock; I saw two men, one of them the prisoner, walk by Mr. Anstey's house, I believe twice; the prisoner went down the area, and staid two or three minutes, perhaps not quite so long; he then came up the area steps, with his hand behind his coat; he walked a few doors beyond Mr. Anstey's, and not seeing him at the window, he returned again towards the house; as soon as he saw me at the window, he turned about and walked back again, which he did two or three times; I then sent my servant over to desire they would lock the door, as I suspected this man had some bad design, they then locked the area door; in about a quarter of an hour after he returned; we went

went after him; with the aſſiſtance of two other men we took him and carried him to Bow-ſtreet; he had then another perſon with him, not the perſon that was with him before; he made very great reſiſtance, he ſtruck my ſervant once or twice, and they at laſt pulled him down, he laid upon his back kicking and ſtruggling very hard.

Q. Look at the priſoner, and tell the Jury if you are confident he is the man that went down the area ſteps?—*A.* I am ſure he is the man, I took particular notice of him.

ELIZABETH PATEY *ſworn.—Examined by Mr. Watſon.* I am Mrs. Anſtey's maid: About ſeven o'clock in the evening the property was loſt, I had ſeen my cloak and the tea-pot a few minutes before ſeven upon the dreſſer before the window in the houſekeeper's room, in the front of the ſtreet next the area; I had placed the ſilver tea-pot and three ſilver ſpoons there juſt before Mr. Bond's ſervant came over, a little after ſeven, that might be a a quarter or twenty minutes after ſeven, and then I diſcovered the loſs.

Q. Where had you gone to from the houſekeeper's room?—*A.* Into the laundry, where I had been ironing.

Court. Q. How near is the houſekeeper's room to the door of the area?—*A.* Very near, but the door was ſhut, the window was thrown up, and the things taken out that way; it looked into the area.

Court. Q. How was that window when you left the room?—*A.* The ſaſh was quite down then.

RICHARD PATEY *ſworn.—Examined by Mr. Watſon.* The laſt witneſs is my daughter: I went to Mr. Anſtey's houſe on the evening of the 15th of Auguſt, a few minutes after ſeven; a few doors before I got to Mr. Anſtey's, I met the priſoner coming from another man; I remarked him, and ſaid to my wife, who was with me, that he was a very ſuſpicious character, he had got his hand in his great coat pocket, with his coat pocket twiſted up as if he had got ſomething in it; I went on, and in a few minutes he came back again, and paſſed me, then he made a ſudden ſtop, and he came by me again, I heard ſomething jingle in his pocket.

Q. Look at the priſoner at the bar, and ſee if you are able to ſwear that is the man that you ſaw at that time near Mr. Anſtey's?—*A.* That is the man.

ARTHUR ANSTEY, *Eſq. ſworn.—Examined by Mr. Watſon.* I have miſſed the articles in the indictment from the 15th of Auguſt, that is all I know of it.

WILLIAM LAWRENCE *ſworn.—Examined by Mr. Watſon.* I am ſervant to Mr. Bond: On the 15th of Auguſt, about ſeven o'clock, I ſaw the priſoner within about ſix doors of Mr. Anſtey's, at the corner of the ſtreet; he came again with another man, when I was informed the priſoner was gone paſt Mr. Anſtey's door, Mr. Bond, my maſter, and me, went in purſuit of him, and when we came near Bedford-ſquare, there was another man with him, and Mr. Bond told me that was the man that went down the area, and directly me and Mr. Patey ſeized on him; he made a great reſiſtance, and knocked me down; we were obliged to tie him before we could come away, and in going along he threatened me, and ſaid, if ever he had his liberty, I ſhould ſee how he would ſerve me; he was taken to Bow-ſtreet.

Priſoner's defence. I was going along, and this man laid hold of me; I know nothing at all of it.

NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. Juſtice ROOKE.

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509. JAMES WINGROVE was indicted for breaking and entering the dwelling-houſe of Thomas Lawrence, about the hour of twelve in the night of the 2d of October, with intent the goods therein being to ſteal, and ſtealing a wooden caſk, containing nine gallons of gin, value 3l. 3s. another wooden caſk, containing ſix gallons of a certain compound liquor, called ox-moor, value 42s. and thirty glaſs bottles, filled with port wine, value 3l. the property of the ſaid Thomas.

(The caſe was opened by Mr. Knowlys.)

THOMAS LAWRENCE *ſworn.*—On the 22d of October, 1795, I kept the Crown and Anchor, in Staines, I was the laſt perſon up that night, I left the houſe properly ſecured, and about ſix in the morning I was alarmed and told my houſe had been robbed; it was then day-break, but not very light, my ſervant could not get down the ſtair-caſe; I came down, I miſſed three dozen of hampers of wine, I had taken out two bottles the day before, and there were only ſix bottles left in the hamper; I miſſed a caſk of gin, containing nine gallons, and a tub of ox-moor, a compound, containing ſix gallons; they had been taken from the cellar next the ſtable-yard.

Q. Could you at all form a judgment how the people had got in?—*A.* Yes; they had taken out two bars from the cellar-window.

Q. Were they upright, or acroſs?—*A.* Upright.

Q. Did you know the priſoner, Wingrove?—*A.* Yes; he lived about two hundred yards from me in the town of Staines. After they had got into the cellar, they broke the cellar-door, and had the range of the houſe; they had bored a gimblet over the latch of the door, to prevent any body coming down in caſe of an alarm; they afterwards opened the yard-door that went into the ſtable-yard from the paſſage of the dwelling-houſe, to get the

the tubs out, for they were too large to get out at the cellar window, where they had broke in: the next morning I applied for a ſearch-warrant, but it was near ſix in the evening before I ſerved the warrant upon the witneſs, Clarke; I was preſent when his houſe was ſearched; we found there one dozen of wine; we found nothing elſe there; I found a tub of gin and a tub of ox-moor buried in the aits, a little iſland in the Thames; I never ſaw Wingrove after that, we ſearched after him ſeveral times, but he never appeared in Staines afterwards to my knowledge.

WILLIAM GOLDSMITH *ſworn.—Examined by Mr. Knowlys.* I am a labourer: In October, 1795, I lived in Staines, about 300 yards from Mr. Lawrence's houſe; I have known the priſoner theſe thirteen years; I ſaw him and another come out of Mr. Lawrence's paſſage with bottles in his hands between one and two o'clock in the morning, I cannot tell who the other man was; they both croſſed the road, and went up the back ſide of Middle-row, towards Clark's houſe, with the liquor.

Q. Do you mean that Clark who was admitted King's evidence?—*A.* Yes.

Q. Are you ſure it was Wingrove?—*A.* I took particular notice of him.

Q. When did you hear that Mr. Lawrence had been robbed?—*A.* About ten o'clock the next day, and then I went and told Mr. Lawrence of it.

Q. Have you ſeen Wingrove ſince?—*A.* Yes, I ſaw him one night at Staines, I ſuppoſe a twelvemonth ago, or not quite ſo much, he was leaning over ſome rails in Staines, but I did not know it was him at the time I ſaw him, I have heard that he has been there ſeveral times.

Croſs-examined by Mr. Alley. *Q.* This robbery was near three years ago?—*A.* Yes.

Q. What time in the night was it you ſaw him?—*A.* Between one and two in the morning.

Q. How came you up at that time?—*A.* I went to bed very ſoon, and I was very thirſty, I could not find any water in the houſe, and I took a pitcher to go out to get ſome water, but I could not get any, and then I ſaw him.

Q. You lived in Staines, and not know where to get water?—*A.* I went to the Angel and Crown, but the yard was ſhut up.

Q. Had you ever gone out for water in the night before?—*A.* Yes, ſeveral times.

Q. Where had you been ſpending your evening?—*A.* I was in bed by nine o'clock.

Q. Then of courſe you went to bed ſober?—*A.* Yes.

Q. You ſaw him a twelvemonth ago, and did not know him?—*A.* He was leaning over the rail, I did not ſee his face.

Q. Do you mean to ſay your memory improves in the courſe of a year—Do you mean to ſay now that you know the priſoner?—*A.* I did not ſee his face then.

Q. You were not a witneſs upon the former trial?—*A.* No.

Q. Though you ſaw a part of the tranſaction, you were not called as a witneſs upon that trial?—*A.* The priſoner was not then taken.

Q. Did you ever hear of a reward for a burglary?—*A.* I have never had any reward.

Q. You never heard there was a reward of 40l. in that caſe?—*A.* Yes, I have.

Mr. Knowlys. *Q.* Knotts was the man who was convicted of this offence before?—*A.* Yes.

Q. You ſaw nothing of Knotts, and therefore they did not make you a witneſs upon that trial?—*A.* No.

Q. Have you ever ſeen the priſoner about his ordinary buſineſs from that time to this, in Staines?—*A.* No.

SAMUEL CLARK, *the accomplice, ſworn.—Examined by Mr. Knowlys.* *Q.* I lived in Middle-row, Staines, when Mr. Lawrence's houſe was broke open; the priſoner, Wingrove, and Knotts, were concerned with me in breaking the houſe open, about one o'clock in the night; we broke the cellar door open by pulling the bars down; we took out ſome wine in bottles, and two tubs of liquor; we carried them all down to Knott's houſe, and there we parted the liquor, the tubs we carried over the water into the aits; Knott's houſe was cloſe to the water ſide, about two hundred yards from my houſe.

Q. When you had parted the liquor, what did you do with it?—*A.* They carried theirs to their houſe, and I carried mine to my houſe; Wingrove's houſe was about one hundred yards from my houſe.

Q. How many bottles had you?—*A.* Ten or eleven, I think.

Q. How long was it before you were taken up for this?—*A.* The Friday afternoon, the next day.

Q. What became of Wingrove?—*A.* He ran away.

Q. Where did he live?—*A.* In the George-yard, Staines.

Q. Has he ever been living publickly in Staines ſince the robbery was found out, till this time?—*A.* No.

Q. What time did you quit the houſe?—*A.* About two o'clock.

Croſs-examined by Mr. Alley. *Q.* You were one of the gentlemen that broke into the proſecutor's houſe?—*A.* Yes.

Q. And you were taken up the next day?—*A.* Yes.

Q. And

Q. And then you thought it was the beſt way to charge the priſoner and another man with robbing the houſe, in order to eſcape yourſelf?—*A.* Yes.

Q. That is no new trick, you know?—*A.* I did not know that.

Q. You have told us the things were taken to Knott's houſe?—*A.* Yes.

Q. Are you ſure they were carried to Knott's houſe?—*A.* Yes.

Q. Then if any body ſays they were carried to Clark's houſe, they have not told the truth?—*A.* I carried my ſhare home, but they were taken to Knott's houſe firſt and ſhared.

Q. Then if any body elſe has ſaid the things were carried to your houſe in Middle-row, it is not true?—*A.* I cannot tell that.

Q. What time were you kind enough to break into this honeſt man's houſe?—*A.* About one o'clock.

Q. How long might you be in the houſe?—*A.* About an hour, not much more.

Q. You went in about one o'clock?—*A.* Yes, and left the houſe between two and three o'clock.

Q. Then you could not poſſibly have come out of the houſe till after two o'clock?—*A.* No.

Q. Then if any body elſe has ſaid you came out at half paſt one o'clock, that cannot be true?—*A.* No.

Q. You were taken up the evening of the next day?—*A.* Yes.

Q. You proſecuted another man?—*A.* Yes.

Q. Did you get any ſhare of the reward?—*A.* No.

Q. But you got your liberty?—*A.* Yes.

Q. I take it for granted you have been a reformed man and lived a good life ever ſince?—*A.* Yes, as far as I know.

Q. Where have you lived ſince that time?—*A.* At Staines.

Q. Have you ever known any body of the names of Drake and Aldridge?—*A.* Yes.

Q. What is become of Aldridge?—*A.* He is dead; Drake lives at Staines.

Q. Did not you give evidence here againſt them too?—*A.* Yes.

Q. I thought you had reformed ſince that?—*A.* I was in confinement.

Mr. Knowlys. Q. Were you examined in that caſe as in this, as King's evidence?—*A.* Yes.

Mr. Knowlys. (To Lawrence.) Q. What is the value of theſe things?—*A.* The gin I valued at 3l. the wine at three guineas, and the oxmoor at two guineas.

Priſoner's defence. That man would ſwear any man's life away as he did the other man's; I have been at Staines for a week and a fortnight together, and nobody ever ſaid any thing to me, or took any notice of me.

GUILTY Death. (Aged 51.)

Tried by the firſt Middleſex Jury, before The LORD CHIEF BARON.

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510. MARY SWAINE was indicted for feloniouſly ſtealing on the 13th of Auguſt, privily from the perſon of William Lowe, a Bank-note, value 1l. the property of the ſaid William.

WILLIAM LOWE *ſworn.*—I am a wine-cooper, in Portpool-lane; I went out to ſee a friend on the 12th of Auguſt, and ſtaid till it was late at night before I returned home. As I was going down Drury-lane, by the end of Parker's-ſtreet, I met with the priſoner at the bar about one o'clock in the morning; ſhe invited me to go home with her to her lodging; I went with her; I went into the room; ſhe aſked me for money, and I told her I had but one ſhilling and ſixpence; as it was at that late hour, and I was rather in liquor, I would give her that to let me ſtop there an hour or two; I told her I did not want to have any thing to ſay to her, only to ſtop to reſt myſelf.

Q. You were ſober enough to ſay all this, and to recollect it?—*A.* Yes.

Q. It was not above ten minutes walk from your own houſe?—*A.* I was foot ſore, and in liquor.

Q. Were you ſober enough to know what you were about?—*A.* Yes; I own I was in liquor.

Q. Very much ſo, were not you?—*A.* I own I was in liquor; I believe I was there to the beſt of my knowledge about two hours and a half; I fell aſleep; when I waked, I ſaid, you have robbed me; I had loſt three one pound notes, the watchman found them all three, I could ſwear to the number of one of them, but not to the other two, and the Magiſtrate gave me them back as I was a poor man; my pocket was turned inſide out; ſhe began to give very ill language, and abuſed me; I told her I would make an affidavit that I had them after I was in the room; when I gave her the one ſhilling and ſixpence, I felt them in my pocket; I called the watchman, and he called another watchman, and they both came in; among the notes, there was a direction from a gentleman in Mark-lane, for me to call upon him.

Q. Where had you been?—*A.* At Hounſlow.

Q. How did you come from Hounſlow?—*A.* On foot.

Q. How much did you drink on the road?—*A.* A pint of beer only from Hounſlow; I was more tired than drunk.

Q. Then you were tired, drunk, and ſtupid?—*A.* I was tired, I had not been in the room ten minutes before I fell aſleep.

JOHN DALTON *ſworn.*—The laſt witneſs called watch,

watch, about half paſt four o'clock, or thereabouts; I called another watchman who ſaw the woman ſtanding by the cupboard, near the door, very buſy; we ſearched the cupboard, and found by the bed, between the bed and the wall, three one pound Bank-notes, and a direction to a gentleman in Mark lane.

SAMUEL DOWLING *ſworn*.—I am a watchman: I heard the cry of watch about half paſt four; I went, and found three notes between the bed and the wall; the Juſtice made me give him two of the notes back again, this is the other. *(Produces it).*

Q. (To Lowe.) Have you any body here from the Bank, to prove Mr. Field's hand-writing?—*A.* No.

(The drawer of the indictment having unneceſſarily ſet out the body of the note, it became neceſſary to prove the ſignature of Mr. Field, of which there being no evidence, the Jury found the priſoner

NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. COMMON SERJEANT.

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511. SARAH CONJUET and BENJAMIN JACOBS, otherwiſe ABRAHAMS, were indicted, the firſt, for ſtealing, on the 16th of Auguſt, a ſilver watch, value 25s. a ſteel chain, value 3d. and a metal watch-key, value 2d. the property of William Biddles; and Jacobs, for receiving the ſame goods knowing them to have been ſtolen.

WILLIAM BIDDLES *ſworn*.—I am a ſoldier in the ſecond regiment of guards: On the 16th of Auguſt, between three and four o'clock in the afternoon, I went into the Ship public-houſe, in Roſemary-lane, I called for a pint of beer, and ſat down; preſently the young woman at the bar came in, ſhe aſked me if I would give her a glaſs of any thing; I called for a quartern of gin and gave her a glaſs, and ſhe gave it to the man that was with her, the priſoner, Jacobs; I poured out another, and ſhe drank it herſelf; then ſhe aſked me to go along with her home, and when I got home with her, I gave her a ſixpence, and five pennyworth of halfpence to get ſome beer with; I was tired and laid down on the bed.

Q. Where does ſhe live?—*A.* In Maypole-court, Eaſt Smithfield; when I laid down, I pulled out my watch and laid it upon the table; I ſaw her take ſomething off the table but did not think ſhe was taking my watch, I thought ſhe was taking ſomething to fetch the drink in; I had ſome duty to do, I got up, and found the door was locked, I ſaw a knife upon the table, and I put the bolt back; I went down ſtairs, and while I was telling a man about my concerns, a Jew boy brought the key to let me out; we found the watch at the pawnbroker's.

Q. Were you ſober?—*A.* Yes, quite ſober; for I had come home that day, and had had but that pint of beer.

BENJAMIN NATHAN *ſworn*.—I am a watchmaker: The priſoner Jacobs came to me about four o'clock, and aſked me if I would go of an errand for him, he would pay me for my trouble; then he gave me a key, and told me to let a man out of his room in Maypole-court, Eaſt Smithfield, the other priſoner lives with him in that room; I went to the door and found it open; I locked the door and carried him the key, and he gave me a ſhilling for my trouble; a little after that, he gave me the duplicate, and told me to ſell it, and make the moſt I could for him; then I took it to my landlord where I lodged, and gave it to him, and he took the watch out of pawn, and pawned it again at the ſame place for the ſame money, he is not here; then, the next morning, he gave me the other duplicate, and then I went to my uncle's and ſhewed him the duplicate, and he aſked me who I had it of, and I deſcribed the perſon I had it from, and my uncle told me the watch was ſtolen; then I went to Lambeth-ſtreet office, and gave the duplicate up to Mr. Oſborne; on the Monday following, the Juſtice ſent for me, and I told him all about it.

Q. (To Biddles.) Are you ſure that is the man that was at the public-houſe with you?—*A.* Yes.

JAMES THORNE *ſworn*.—I am a pawnbroker, in the Minories: On the 16th of Auguſt, the woman priſoner brought a watch to pledge, about four o'clock in the afternoon, as near as I can recollect; or it might be rather later; I aſked her who the watch belonged to; ſhe told me to her huſband, he was going to Long-reach, and wanted ſome money to pay his expences; ſhe wanted twenty-five ſhillings, but I lent her a guinea upon it; I aſked her if her name was not Gallaway, and ſhe ſaid, yes, it was; that was the name I knew her by at our ſhop; ſhe was not a cuſtomer at the ſhop, but I had ſeen her paſs backwards and forwards with the other priſoner; I aſked her if ſhe lived in Roſemary-lane; ſhe told me ſhe had left Roſemary-lane, and lived in the Little Minories. *(Produces the watch).*

Biddles. This is my watch, I know it by the chain and ſeal; I have only had the watch three days; I ſwapped watches but did not ſwap chains.

RICHARD OSBORNE *ſworn*.—On the 17th of Auguſt I apprehended the man priſoner, about the middle of the day; and the ſame evening, between eleven and twelve o'clock, I apprehended the woman; and the next day I went to ſeek after the watch, and found the watch in the Minories, at the pawnbrokers.

Conjuet's defence. The ſoldier had been with me ſeveral times in my apartments, he went with me

that

that day; he ſaid he had no money, and he gave me the watch to pledge for him, to get us ſome ſupper, and then he was to make me a compliment to ſleep with me all night; this man knows nothing at all about it.

Court. (To Nathan). Q. Which of the priſoners gave you the key?—*A.* The man.

Q. Who gave you the duplicate?—*A.* The man.

Jacobs's defence. The apartment is not mine, nor do I ſleep there conſtantly; I gave him neither duplicate nor key, nor ſhilling.

Conjuct, GUILTY (Aged 37.)

Confined one year in the Houſe of Correction, and fined 1s.

Jacobs, GUILTY (Aged 53.)

Tranſported for fourteen years.

Tried by the firſt Middleſex Jury, before Mr. COMMON SERJEANT.

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512. DENNIS NUGENT was indicted for that he, on the 11th of Auguſt, upon Elizabeth Goldſborough, about the age of eight years, did make an aſſault, and her, the ſaid Elizabeth, did carnally know and abuſe.

(The Court ordered that the evidence upon this trial ſhould not be publiſhed).

GUILTY **Death.** (Aged 48.)

Tried by the London Jury, before The LORD CHIEF BARON.

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513. ELIJAH BARNETT was indicted for breaking and entering the dwelling-houſe of Alexander Campbell, no perſon being therein, about the hour of eight in the afternoon of the 18th of Auguſt, and burglariouſly ſtealing a ſilk cloak trimmed with lace, value 30l. a muſlin cloak trimmed with lace, value 10l. a woollen cloth coat, value 2l. a ſilk gown, value 3l. and four muſlin gowns, value 8l. the property of the ſaid Alexander.

There being no evidence to affect the priſoner, except that of an accomplice, the priſoner was

ACQUITTED.

Tried by the London Jury, before Mr. COMMON SERJEANT.

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514. CHARLES WILSON was indicted for feloniouſly ſtealing, on the 14th of Auguſt, a trunk, value 10s. ſix cotton gowns, value 3l. a ſilk petticoat, value 21s. two muſlin petticoats, value 21s. ſix dimity petticoats, value 21s. three flannel petticoats, value 10s. fourteen muſlin handkerchiefs, value 21s. ten pair of cotton ſtockings, value 21s. ſix linen aprons, value 10s. eight linen ſhifts, value 21s. a ſilk cloak trimmed with lace, value 21s. a gauze cloak trimmed with lace, value 10s. a muſlin cloak, value 10s. three pair of leather ſhoes, value 12s. ſix muſlin caps, value 6s. a profile painting in a wooden frame, value 20s. and ſix printed books, value 6s. the property of Edward Wiſdom.

Mrs. WISDOM *ſworn.*—I am the wife of Edward Wiſdom: On the 14th of Auguſt, I loſt the things mentioned in the indictment; I was going with the Bromley ſtage from Charing-croſs to Beckenham; they were in a trunk faſtened on the ſtage.

Q. What time was it?—*A.* Between four and five o'clock; I do not know how they were taken, nor by whom.

Croſs-examined by Mr. Alley. Q. Did you go over Blackfriars-bridge, or Weſtminſter?—*A.* Blackfriars-bridge, I believe.

CHARLES LUNN *ſworn.*—I am a porter, in Bell-yard: I had occaſion to go through Temple-bar, on the 14th of Auguſt laſt, about half paſt four o'clock, for ſome tobacco; I ſaw a ſtage-coach, I did not obſerve what ſtage it was; when the ſtage got under Temple-bar, I ſaw the priſoner place both his hands upon the box faſtened behind the coach, and remove it from the coach; I ſaw ſome ropes dragging upon the ground as he took the box away; and the coach ſtill kept going on; after he had taken the box off, he went up Great Shire-lane, I followed him to the ſteps that go down to New Boſwell-court; I then left him, and went to Fleet-ſtreet, to hear, if I could, any thing about it; I went back, and found the man and the box where I had left them.

Q. It was pretty heavy, I ſuppoſe?—*A.* I cannot ſay.

Q. Are you ſure that is the ſame man that you ſaw take the box?—*A.* I am poſitive of it.

Q. Are you poſitive that the box you ſaw afterwards was the box you ſaw him take from the ſtage?—*A.* I am poſitive; I ſecured him and the box too.

Croſs-examined by Mr. Alley. Q. It was on the other ſide of Temple-bar that you firſt ſaw him?—*A.* Yes.

Q. That is in the County of Middleſex?—*A.* Yes, where I firſt ſaw him.

Q. You did not ſee his face?—*A.* Yes, I did.

Q. You do not mean to ſay, that you ſaw him take the box off, but that you ſaw it in his hand?—*A.* I ſaw him lift it from the coach.

Q. Why did you not ſtop him at that time?—*A.* I had no ſuſpicion that he had ſtolen it till after I ſaw the ſtrings dragging on the ground.

Q. He had a very good opportunity of getting away while you were gone to Fleet-ſtreet again?—*A.* Yes, he certainly had.

JOHN CASTLEMAN *ſworn.*—I drove the Bromley coach; I tied the box behind the coach, oppoſite the Mews-gate, at four o'clock, on the 14th of Auguſt; I went on to the Boar's-head, in Fleet-ſtreet, next the Bolt-in-tun, and there I miſſed the trunk, when I got down; I found the cords had been cut; I went back as far as Catherine-ſtreet in the Strand, to learn, if I could, any thing about it;

it; I returned again, and found the trunk at the Boar's-head; I am ſure it was the ſame trunk.

Q. Whoſe trunk was it?—*A.* A lady's, in Court; I had received it from her.

JOHN-YOUNG HUSBAND *ſworn.*—I am a conſtable: *(Produces the box and the cords)*: they appear to have been cut with a very ſharp inſtrument.

Mrs. Wiſdom. This is my trunk; all the things in the indictment were contained in this trunk.

Priſoner's defence. I was going along, and this man took me, and ſaid, I had taken the trunk; I know nothing at all about it.

GUILTY (Aged 24.)

Tranſported for ſeven years.

Tried by the London Jury, before Mr. COMMON SERJEANT.

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515. SARAH HERBERT was indicted for feloniouſly ſtealing, on the 1ſt of Auguſt, eight diaper table-cloths, value 39s. the property of John Denner.

JOHN DENNER *ſworn.*—I keep the Furnival's-Inn Coffee-houſe, Holborn. The priſoner is a waſher-woman, that uſed to come every other Tueſday, to waſh. On the 30th of July, I let her in to waſh, the table-linen was counted out to her; the next day there was a table-cloth miſſing, and we found that at Mr. Gabell's, a pawbroker, in Fox-court, where there were ſeven more produced to me, pledged in her name.

ANN DENNER *ſworn.*—The priſoner uſed to waſh for me; ſhe was there on the 31ſt of July; I had miſſed ſeveral table-cloths, but could not tell how I miſſed them; I miſſed one that day, which I found at the pawnbroker's, in Fox-court. There were ſeven more produced, which were my property.

JOHN DALE *ſworn.*—I am ſervant to Mr. Gabell, a pawnbroker, in Fox-court: *(Produces a table-cloth)*; it was pledged by the priſoner, on the 1ſt of Auguſt; here are ſeven others that we have taken in; I took in ſix myſelf of the priſoner, at different times, ſome as long ago as a twelvemonth.

Q. Did you know her?—*A.* Yes.

Q. Did you know what ſhe was?—*A.* Yes.

Q. How then could you take in ſo many table-cloths of that woman?—*A.* I have known her ſeveral years; and ſhe ſaid, ſome of them were for other people, and ſhe pledged them in other names.

Mrs. Denner. Theſe are my table-cloths, I made them myſelf, but the marks are all picked out. I am certain they are mine.

The priſoner called three witneſſes, who gave her a good character. GUILTY (Aged 36.)

Impriſoned fourteen days, privately whipped, and diſcharged.

Tried by the London Jury, before Mr. COMMON SERJEANT.

516. CHARLES WILBRAHAM, CHARLES BRADBURY, and JOHN COLLINS, were indicted for feloniouſly ſtealing, on the 6th of Auguſt, two ſilver table-ſpoons, value 21s. four ſilver tea-ſpoons, value 6s. a ſilver cruet-top, value 12d. and a glaſs cruet, value 6d. the property of Ann Holmes.

Second Count. Laying them to be the property of John South.

JOHN SOUTH *ſworn.*—I live ſervant with Mrs. Ann Holmes, in Lower-ſtreet, Iſlington, ſhe keeps a private mad-houſe; I was in lodgings with a gentleman who was out of his mind, at Mrs. Cooper's, No. 1, Pleaſant-row, Iſlington: On the 6th of Auguſt, about half paſt two in the afternoon, I was in the front parlour, and theſe ſpoons were in the back parlour cupboard, they were Mrs. Holmes's ſpoons, under my care, if I had loſt them, I muſt have had to make them good; Mrs. Cooper was going into the back kitchen, and ſaw a man go out at the window; I went out into the field, and ſaw the three priſoners walking all three together, and when they ſaw me, they all three ſet off running together, and one of them threw the table-ſpoons away out of his pocket, and ran about twenty or thirty yards further; and another of them threw the tea-ſpoons out of his pocket, but which of them I cannot ſay; I left them in the ditch till after they were brought back; they were ſtopped by one Mr. Allen, I was cloſe to them. From the robbing of me and the apprehending of them was not above ten minutes.

Croſs-examined by Mr. Alley, for Collins. Q. At what diſtance did you firſt obſerve any of the perſons you ſuſpected to be priſoners at the bar?—*A.* About one hundred yards from the houſe.

Court. Q. That was in the field?—*A.* Yes.

Q. What part of the houſe had you been in?—*A.* The front parlour.

Q. And therefore could not obſerve any thing that was done in the back parlour?—*A.* No.

Q. Where was it they were apprehended?—*A.* Going up into Iſlington, about a quarter of a mile from Mr. Cooper's.

Q. You obſerved that one or other of them threw theſe things away, you did not ſee who threw them away?—*A.* No; I ſaw one of the three priſoners throw them away, but I cannot ſay which.

Q. Is Mrs. Holmes a married woman, or a widow?—*A.* No, a widow woman.

ELIZABETH COOPER *ſworn.*—I am the wife of Thomas Cooper, my huſband lives at No. 1, Pleaſant-row, he is a carpenter: On the 6th of Auguſt, I ſaw one of theſe priſoners jump out at the back parlour window, but I cannot ſay which of them; they all three huſtled up together, and ran away; I am ſure it was one of the three. I alarmed Mr. South, and deſired him to go out after them, he

jumped

jumped out at the ſame window, and purſued after them immediately.

Croſs-examined by Mr. Alley. Q. What part of the houſe were you in?—*A.* In the back kitchen, under the back parlour. I heard one of them ſay, make haſte.

Q. What were you doing?—*A.* I was going to clean a pair of candleſticks.

WILLIAM WILLIAMS *ſworn.*—I was at work by the ſide of the New River, I heard Mr. South call out, ſtop thief, I ſaw the three lads running down towards me, where I was at work, as hard as they could run; I heard one of them ſay, "ſcale 'em, ſcale 'em," I cannot ſay which of them it was. That lad in the middle, Charles Bradbury, ſaid, come along, d—n your eyes, I have got the knife, holding a large clapſe knife in his hand, with a long handle; then I ſaw one of them throw ſomething out of his hand into the ditch, I cannot tell which of them it was, they were all three ſo cloſe together; and then I purſued after them; then we took them all three; there was Mr. Ion, at the Livery-ſtables, and his oſtler and two or three other people aſſiſted. I went to the ditch, and there I found a vinegar-cruet with a ſilver top, and four tea-ſpoons; Mr. South took them out.

THOMAS SWAINE *ſworn.*—I am a butcher: I aſſiſted in the purſuit, and in taking the priſoners. As we were going back with the priſoners, I ſaw four tea-ſpoons and a vinegar-cruet lying in the field. They were all three taken within thirty or forty yards of each other.

GEORGE BARKWITH *ſworn.*—I am a conſtable, at Iſlington: I was ſent for, on Monday, the 6th of Auguſt, to Mr. Cooper's; I had this property from Mr. South. *(Produces it).*

South. I can ſwear to theſe ſpoons as Mrs. Holmes's property; there is an H upon them. I marked them all with a file after I picked them up.

Q. Is there any thing you know them by beſides the cypher?—*A.* No.

Mr. Alley. Q. I take it, Mrs. Holmes has other lodgers in her houſe beſides you?—*A.* Yes.

Q. I take it, every lodger in her houſe has the uſe of her ſilver ſpoons as well as you?—*A.* Yes.

Q. Had they been put in the cupboard after they were found in the ditch, before you gave them to the conſtable?—*A.* Yes, I put them in the cupboard myſelf.

Q. When did you give them to the conſtable?—*A.* To-day.

Court. Q. But did you mark them before you put them into the cupboard?—*A.* Yes.

Wilbraham's defence. Being Monday afternoon, I left work ſoon, and went to take a walk in the fields; I ſaw a parcel of people running, and they laid hold of me.

Bradbury's defence. I was going to bathe in the New River; I had a piece of bread and meat eating in my hand at the time, and they came and laid hold of me.

Collins's defence. I was going of an errand towards the New River, and they laid hold of me.

The priſoner Wilbraham called one, Bradbury three, and Collins four witneſſes, who gave them a good character.

Wilbraham,	GUILTY.	(Aged 18.)
Bradbury,	GUILTY.	(Aged 19.)
Collins,	GUILTY.	(Aged 18.)

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice ROOKE.

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517. MARY THOMPSON, otherwiſe LUDEY, was indicted for feloniouſly ſtealing, on the 25th of July, a guinea, three half-crowns, thirteen ſhillings, and a ſixpence, the property of John Caſey, in his dwelling-houſe.

JOHN CASEY *ſworn.*—I am a ſailor, I keep a houſe No. 6, Charlotte-ſtreet, Old Gravel-lane: On the 25th of July laſt my wife was ill, and the priſoner offered her ſervices to make the bed, ſhe was a lodger of mine, I told her not to turn the bed up, only to lay the clothes ſmooth, inſtead of that ſhe turned the bed up, and found a ſnuff-box which had the money in it; the box was between the two beds, my wife was ſitting by the fire, and I was taking care of her at the time; I ſaw her turn the bed up; I did not ſee her take the box, and I did not know it till the next morning.

Q. Who had put the box there?—*A.* My wife, ſhe is here; ſhe owned to it the next day to the conſtable; I have not found any of it again.

JUDITH CASEY *ſworn.*—I am the wife of the laſt witneſs; I took the box and laid it between the two beds; on the 24th of July, as I was going to bed, I was taken poorly; the next morning I miſſed the box; there had not been a ſoul in the room beſides her.

Q. What was in the box?—*A.* A golden guinea, thirteen ſhillings, three half-crowns, and one ſixpence; ſhe owned to the money the ſame day ſhe was taken up, to Mr. Rogers.

EDWARD ROGERS *ſworn.*—I am an officer belonging to the Public-office, at Shadwell: On the 26th of July, the proſecutor came to the office, and complained that he had been robbed the day before of a guinea and a guinea's worth of ſilver; in conſequence of which a warrant was granted againſt the priſoner at the bar; I went to his houſe, where he and ſome women had the priſoner detained; I took her into cuſtody; there was a grown up young woman about eighteen or nineteen years of age, who ſaid ſhe was her daughter, and I took the priſoner after I had ſearched her a few paces from the office, upon which the daughter prevailed

upon

upon me to go back to a Mrs. Ferguſon's, No. 80, Panton-ſtreet; ſhe ſaid it was a painter and glazier's wife; I would not return till ſhe gave me a reaſon, and ſhe ſaid ſhe had given her part of the money; I aſked her what money, if it was part of Caſey's money, and ſhe ſaid it was, upon that I returned with her, the proſecutor and her, and I went towards Panton-ſtreet, and her daughter went before us, and ſaid ſhe would go firſt and get the money from her; when we got there, we met the daughter coming back again, and ſhe ſaid Mrs. Ferguſon was not at home; I went into the houſe, but could not find any ſuch perſon; I took the priſoner to the office, and there ſhe ſaid ſhe would give the proſecutor a guinea if he choſe to take it, and if he did not, he might do his beſt, and ſhe would ſtand her chance of a proſecution; I cautioned the proſecutor neither to threaten her nor offer her any friendſhip; immediately after that I took her into cuſtody.

Q. (To Caſey.) Who had collected this money together, you or your wife?—*A.* My wife keeps a coal-ſhed and a chandler's ſhop.

Q. You had not been particular in looking at the money, ſo as to ſay it was all good?—*A.* Yes, I always look at my money.

The priſoner did not ſay any thing in her defence. GUILTY (Aged 44.)

Of ſtealing to the value of 39s.

Confined one month in Newgate, and fined 1s.

Tried by the firſt Middleſex Jury, before Mr. COMMON SERJEANT.

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518. GEORGE WALKER was indicted for feloniouſly ſtealing on the 15th of Auguſt, three pewter pint pots, value 3s. the property of Iſaac Baker.

ISAAC BAKER *ſworn.*—I keep the Malpas-arms, in Charles-ſtreet, Groſvenor-ſquare: On the morning of the 15th of Auguſt, about nine o'clock, the priſoner was brought to my houſe, charged with ſtealing three pint pots of mine; a witneſs in Court ſaw him take them.

WILLIAM MANN *ſworn.*—I draw beer at Mr. Baker's; I was gathering pots in Groſvenor-ſquare about nine in the morning of the 15th of Auguſt; I brought three pint pots from Lord Grey's; I ſet them down at Lady Daſhford's door upon the ſtone ſteps where the houſe was repairing; I did not ſee them taken, but when I had information of it, I went after the priſoner and caught him; he had got to the bottom of Mount-ſtreet when I came up with him; he did not run, but was walking as faſt as he could; I took him, and brought him back to my maſter's, and he threw the three pots out of a piece of green baize upon our toes; he put his hands together, and begged forgiveneſs; my maſter pulled out a ſhilling, and marked the bottom of the pots with a croſs.

Q. Are you ſure theſe pots are your maſter's?—*A.* Yes, they have his name upon them.

JOHN BRIDGE *ſworn.*—I am a ſhoemaker; I was coming acroſs Groſvenor-ſquare, I ſaw the priſoner go up to the pots and throw a piece of green baize over them, and take them up between his hands and carry them off; I told the boy of it; he was in the houſe that was repairing; he aſked me which way he was gone; I came down to the corner; he was then in ſight of us; I ſhewed him that that was the man juſt going round the corner; I followed the boy, and came up juſt as he took him; I am ſure it was the ſame man. *(The pots were produced, and depoſed to by the proſecutor.)*

Priſoner's defence. I was going along, and picked them up in the ſtreet; I was going to carry them home to the public-houſe when they came after me. GUILTY (Aged 55.)

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury, before Mr. COMMON SERJEANT.

Second London Jury.

Meredith Jones,	William Meredith,
Benjamin Beſt,	William Godfrey,
Edward Carter,	Nicholas Cooper,
George Lightup,	Thomas Weſtgarth,
George Barnard,	John Forbes,
Peter Spiers,	Evan Roberts.

519. ELIZABETH HAYNES was indicted for feloniouſly ſtealing on the 18th of July, five muſlin handkerchiefs, value 5s. five linen ſheets, value 10s. four linen pillow-caſes, value 4s. four muſlin caps, value 4s. ſeven muſlin half handkerchiefs, value 7s. a linen ſhirt, value 5s. a waiſtcoat, value 2s. four towels, value 6d. a ſhawl, value 2s. three linen ſheets, value 6s. an apron, value 6d. three yards of thread lace, value 3s. and a ſilver tea-ſpoon, value 1s. the property of Philip Coombs.

Second Count. Laying them to be the property of Hannah Coombs.

JOHN BRIDGEN *ſworn.*—I am a pawnbroker, No. 158, Biſhopſgate-ſtreet: On the 18th of July the priſoner pawned two ſheets and two pillow-caſes with me, *(produces them)*; I knew her before, I lent her nine ſhillings upon them.

(Charles Sanſum was called, but not appearing, his recognizance was ordered to be eſtreated.)

HANNAH COOMBS *ſworn.*—I did keep a ſlop ſhop in Old Bedlam; I am at preſent in Giltſpur-ſtreet Compter for debt, the priſoner was my ſervant; about three weeks or a month after I was firſt taken into cuſtody, I loſt all my neck handkerchiefs and half handkerchiefs, things I ſold in the

the ſhop; I loſt all the articles mentioned in the indictment; I gave the keys to the priſoner when I was at Mr. Atkinſon's, in Lawrence, the lock-up houſe.

Q. Did you deſire her to pawn theſe things?—*A.* I did not, I knew nothing of it.

Q. Be ſo good as look at theſe things?—*A.* One of the ſheets has my name upon it, and I know the other to be mine, though it is not marked; I made them myſelf.

Q. Have you recovered any thing elſe beſides?—*A.* No; the pillow-caſes I made myſelf, I know they are mine.

Priſoner's defence. She gave the keys to Mrs. Miller, her ſiſter-in-law, ſhe did not give them to me; I went into the Compter to her, and aſked her what I ſhould do for money; I told her the patroles would not let the ladies bring the gentlemen in, and ſhe ſaid, ſhe expected to come out ſoon upon bail, and if the ladies did not bring in money one night, they would another, and ſhe told me I muſt make ſome money of ſome things for victuals.

Q. (To Mrs. Coombs.) Did you give her any authority to pawn theſe things?—*A.* No.

Q. What lodgers have you in the houſe?—*A.* Only one.

Q. Male or female?—*A.* Female, and ſhe was a party concerned with the priſoner, but as I was in confinement, I could not go to take her; I was ſtripped of every thing; they did not leave me even a rag to wrap round my finger.

NOT GUILTY.

Tried by the ſecond London Jury, before Mr. COMMON SERJEANT.

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520. JOHN BRUTON was indicted, for that he, in the King's highway, in and upon Thomas Fitzgerald, on the 27th of Auguſt, did make an aſſault, putting him in fear, and taking from his perſon a ſilver watch, value 42s. a ſilk handkerchief value 12d. and twelve halfpence, the property of the ſaid Thomas.

(The caſe was opened by Mr. Knapp.)

THOMAS FITZGERALD *ſworn.—Examined by Mr. Knapp.* I am under indentures of apprentiſeſhip to Mr. Weſtmacott, ſtatuary, in Mount-ſtreet, Groſvenor-ſquare: On Wedneſday, the 22d of Auguſt, about the hour of ten o'clock in the evening, I paſſed the priſoner at the corner of Vere-ſtreet, Groſvenor-ſtreet; I croſſed over from Vere-ſtreet, on account of there being a houſe repairing, and the pavement open, I was obliged to croſs the way; the priſoner then ſaid to me, it is a fine night, ſir; I anſwered him, yes, but I ſuppoſed there would be rain before morning. After we croſſed Woodſtock-ſtreet, the priſoner entered into converſation about the rebellion of Ireland, when I told him I ſhould be happy to hear of a peace in that country; this converſation continued almoſt to the oppoſite ſide of Cumberland-ſtreet; the priſoner then laid hold of my arm before I came to Park-ſtreet; I told him to keep his diſtance, that I did not like his mode of laying hold of me in that ſort of way; in the mean time I croſſed to the corner of Cumberland-ſtreet, in my way to George-ſtreet, Edgeware-road; when I came to Upper Berkeley-ſtreet, the bottom of Cumberland-place, I turned myſelf round and ſaw the priſoner at a diſtance, I walked down Berkeley-ſtreet towards the Edgeware-road, when the priſoner came up to me a ſecond time; I aſked him his reaſon for lurking after me; his anſwer was this, that he hoped I was not affronted; I then walked from him, and turned round to the ſide of the turnpike in the Edgeware-road, in my way to George-ſtreet, and then I loſt ſight of the priſoner; when I got within twenty yards of George-ſtreet, not ſeeing the priſoner, I ſtopped to make water, and when I had buttoned my breeches the priſoner came up, he took me by the collar of my coat, and aſked me what property I had about me, while, with the other hand, he laid hold of the waiſtband of my breeches; he then ſaid to me, have you a watch; I anſwered him, and ſaid, no; he then perſevered, and laid hold of the waiſtband of my breeches, and pulled out my ſhirt, I ſtruggled with him, and then he knocked me down; the priſoner then ſaid, I will undo the ſlings of your breeches, for I know you have a watch; he then put his hand inſide my breeches, and felt round to the left ſide of my pocket, and found I had a watch.

Court. Q. You were down all this while?—*A.* Yes; at this time I got myſelf from the priſoner, when he ſeized me by the neck-handkerchief, and put the knuckles of his fingers into my throat to choak me; he then ſaid, I will have your watch, when he immediately put his fingers down to the bottom of my fob-pocket, and took out my watch.

Court. Q. Was there a chain to it?—*A.* No; the priſoner then aſked me if I had any Bank-notes; I told him, no, when he immediately put his hand into my waiſtcoat-pocket, and took out what ſilver I had, and ſome papers, there were three or four ſhillings, and five pence in halfpence; he then ſaid, I will feel in your coat-pockets, when he took out my pocket-handkerchief, and ſome papers; he then ſhoved me away from him, and told me I might be d—d; the priſoner then left me, and walked into the Edgeware-road; I followed him, and told him I muſt have my watch, my watch was dear to me being my father's; the priſoner, and myſelf, was by this time at the corner of Berkeley-ſtreet, he told me he would go home to his quarters; I then aſked him where his quarters were; his anſwer was,

d—n

d—n your eyes ſhall I tell you; I told him I did not want to know, I only wanted my property, my watch I valued; the priſoner ſaid, if I followed him one inch farther, with his fiſt up to my face, but did not ſtrike me, he would be hanged for me, when he immediately laid hold of my waiſtcoat, and ſaid, I think I know you, and looked very ſtedfaſt in my face; he immediately ſhoved me away from him againſt the iron rails, when I called out, watch, but no aſſiſtance came; I called out more than once or twice; the priſoner then went away from me to the corner of Park lane, in Oxford-ſtreet, oppoſite the coffee-houſe, when I ſeized the priſoner, and told him I muſt have my property, it being my father's; he then laid hold of me with his left-hand, and took his right-hand away from me; I at that time called out watch but to no purpoſe; ſeveral times he put his right-hand up to my face, and ſtopped my mouth that I ſhould not ſpeak; then he ſaid, if you will give me five guineas you ſhall have it, and he was to go home with me; he then ſaid, but ſtop, if you ever take me into cuſtody it ſhall be worſe for you, I will either do, or cauſe to be done your buſineſs; he then ſaid, if I would adjourn to a public-houſe below he would make the matter up with me, as I ſet ſo much ſtore by my father's watch; from that place we walked down Oxford-road, about an hundred and fifty yards, when a public-houſe appeared, with the landlord, or ſome man, putting up the ſhutters; the priſoner ſaid, here, we will have a pint of porter, accordingly he aſked the perſon who was putting up the ſhutters for a pint of porter, and the pint of porter was brought; the priſoner firſt put it to me, I refuſed; the priſoner in the mean while had occaſion to pull out his pocket handkerchief, he took out two, and a piece of ſtring; I ſaid to the priſoner, that is my ſilk pocket-handkerchief, the one that he had was a white one; he then aſked me if the piece of ſtring was mine; I ſaid, no; he then aſked me to drink a ſecond time, I refuſed; he then drank, and threw the remainder part into the ſtreet, when he paid for the pint of porter, and we went away together.

Q. Who did you ſee at that houſe?—*A.* Nobody, except the man who was ſhutting up, he was crippled and deformed; when we left the public-houſe, the priſoner aſked me where I lived, the number of my houſe, and my name; I told him where I lived, the number of my houſe, and my name; he then ſaid, if you will bring me down two guineas, if I go to the door with you, you ſhall have your watch back again; then he went down to the corner of Queen-ſtreet, about an hundred and fifty yards below the public-houſe, into Brown-ſtreet, Groſvenor-ſquare, when I ſhewed the priſoner the houſe where I lodged; I knocked at the door, and a very elderly lady came to the door, a Mrs. Haycock, who is the landlady of the houſe, having firſt looked out at the window and aſked who was there; I then told the priſoner, if he would wait, I would go up ſtairs and bring him down two guineas; when the door was opened by the landlady, in her ſhift, I called out at the bottom of the ſtairs to the perſon whom I lodged with, and nobody anſwered; and this perſon being a very elderly lady was the only perſon in the houſe; I came to the door again, and the priſoner had got away near fifty yards; I followed him, and came up to him in Duke-ſtreet, Groſvenor-ſquare, when the priſoner ſaid, have you any piſtols about you, have you brought down any; I ſaid, no; the priſoner ſaid, I will ſearch you, and immediately put his hands into my coat-pocket, both right and left, and in my waiſtcoat, and my boſom, to ſee if I had any there, for he ſaid, there were ſuch caſes; the priſoner then walked into Groſvenor-ſquare, almoſt cloſe to the railing, at leaſt within five or ſix yards of the railing, then he ſaid to me, do not make any noiſe here, or otherwiſe I will do your buſineſs; the priſoner then told me, if I would bring him two guineas to the King's-arms, in Little St. James's-ſtreet, about twelve o'clock the next day, five minutes before, or five minutes after, I ſhould have my watch back again; he told me his name was John James; he ſaid, but mind, if you bring any conſtable, or runner with you, from Bow-ſtreet, or if you hereafter have me taken up, I will do your buſineſs, or cauſe it to be done by ſome of my comrades; then the priſoner immediately ſhoved me away from him; I then thought I muſt let the matter drop, for I perceived there was no uſe in following him any further, and I returned back. On the Monday following I attended the parade in St. James's Court-yard, fronting St. James's-ſtreet, when the priſoner ſtood under the ſouth ſide of the portico; I croſſed from the weſt ſide, and in croſſing the priſoner ſaid, how do you do, ſir, why did you not come down according to your appointment.

Q. Did you go at all according to your appointment?—*A.* Not at the hour that the priſoner propoſed.

Q. Why did not you go?—*A.* From the fall, and the ill uſage of the priſoner, I was not able to get up till two o'clock, and then I did go to the King's-arms, with my brother-in-law.

Q. You did not find the priſoner at the bar then?—*A.* No; they did not know any thing at all about any perſon of that name, but they thought they knew the deſcription of the perſon that I had given, but he did not go by that name; I told the priſoner, upon his aſking me the queſtion, that I could not come to my appointment; I then aſked him for my property, when the priſoner ſaid, do not make any noiſe

noiſe here; I told him then, if he did not give me up my property, I certainly would have him taken into cuſtody; his anſwer was, then if I would adjourn to a public-houſe he would make it up to me; I told him, no, if he did not immediately give me up my watch I would have him taken into cuſtody, I ſhould lay hold of him; the priſoner then made a frivolous excuſe, there is no occaſion for that; when I immediately took hold of him by the collar, and called out to the adjutant on the parade; I held the priſoner till the adjutant called out a file of men to conduct him to the guard-houſe; I then went to the Queen-ſquare Police-office, and brought two conſtables to take the priſoner from the guard-room to the office.

Q. Had you ever ſeen the priſoner at the bar before?—*A.* Never.

Q. Have you any doubt, from the opportunities you had of ſeeing him, that he is the ſame man?—*A.* I am very certain.

Q. Have you ever ſeen any of your property again?—*A.* Yes; I ſaw my watch at a pawnbroker's in the Almonry, Weſtminſter; the pawnbroker is here that took it in.

Q. Have you ever ſeen any thing of the handkerchief?—*A.* No, I have not.

Croſs-examined by Mr. Alley. Q. You are an apprentice to a ſtatuary?—*A.* Yes.

Q. Are you a married man?—*A.* No, I am not.

Q. You lodged in Brown-ſtreet?—*A.* Yes.

Q. Who might you live with in Brown-ſtreet?—*A.* I lodged in the houſe of Mrs. Haycock.

Q. Did any body live with you there?—*A.* No.

Q. About what time of night was it you firſt met the priſoner?—*A.* About ten o'clock.

Q. You entered into converſation about one thing and another, and at laſt upon the affairs of Ireland?—*A.* Yes.

Q. May I take the liberty of aſking who you might have been going to viſit?—*A.* Mr. Howard, a ſurgeon, in George-ſtreet.

Q. What diſtance might it be from where you met the priſoner to George-ſtreet?—*A.* About ſix or ſeven minutes walk; if I ſay half a mile it is as much as it can poſſibly be.

Q. What time of night was it when you parted with the priſoner?—*A.* When I got into my houſe it went eleven.

Q. You had been with the priſoner near an hour?—*A.* Yes.

Q. You and the priſoner had not gone into any houſe as you went?—*A.* No.

Q. You did not croſs Portman-ſquare at all?—*A.* No.

Q. The watch was ſet at this time?—*A.* Not in the Edgeware-road.

Q. Was the priſoner dreſſed as he is now?—*A.* No; he was dreſſed in his full regimentals, and his full dreſs.

Q. You muſt have thought it rather an extraordinary thing that a man of that deſcription ſhould accoſt you who was a total ſtranger?—*A.* Yes, I did think it a very extraordinary thing, and ſeveral times put him at a diſtance, and told him I did not approve of his following me.

Q. I ſhould take it when he talked of the affairs of Ireland, you did not give him an anſwer?—*A.* Yes, I did give him an anſwer; I ſaid, I wiſhed for a peace in that country; from his manner of ſpeaking, I took him to be a man of good ſenſe; he ſaid, he expected ſome of his comrades home in a day or two.

Q. The watch was ſet, I preſume, upon your return?—*A.* No, there never is any watch upon that road in that month.

Q. Are you perfectly ſure you were not in any public-houſe?—*A.* Yes; neither public or private houſe, or any houſe whatever, with the priſoner.

Q. Nor any wine-vaults?—*A.* No.

Q. When you returned into Oxford-road, the watch was ſet?—*A.* Yes; but from the time we left the Edgeware-road till we got into Brown-ſtreet, I did not ſee a ſingle ſoul except four profligate girls againſt the Park wall, and when I got there, I called watch.

Q. When you were ſo near Mr. Howard's houſe, how came you not to go on?—*A.* I had no idea that the priſoner meant to rob me.

Q. Do you mean to ſay that, after he had kept following you ſo far?—*A.* No, I had not.

Q. When you had got within twenty yards of Mr. Howard's houſe, how was it that you did not go on for aſſiſtance?—*A.* Becauſe I was afraid of loſing my property.

Q. How was it that you did not ſeek for the aſſiſtance of watchmen, after you came into Oxford-road?—*A.* He threatened me ſo much what he would do to me, that I thought I had better make myſelf quite ſure of his face and perſon, as I had not had a full view of his face at that time.

Q. How far was he from you?—*A.* A very ſhort diſtance.

Q. How many watchmen might you have paſſed?—*A.* Not any from the time the priſoner robbed me till I left him.

Q. How far did you come after he had robbed you?—*A.* To the corner of Berkeley-ſtreet; there is a watch-box near the turnpike, and I called out watch, there, but there was no turnpike-man nor watchman, and I can prove it.

Q. Did you go to the turnpike-man's box?—*A.* I called out watch, and I called out aſſiſtance.

Q. What part of Oxford-road is Brown-ſtreet in?

in?—*A.* Between North Audley-ſtreet and Duke-ſtreet, on this ſide of Bond-ſtreet.

Q. And you paſſed down that public ſtreet, Oxford-road, and no watchman was to be met with?—*A.* On my return there was not either man, woman, or child.

Q. Do you mean to ſay you met with neither man, woman, nor child, during all that time?—*A.* I mean to ſay that upon my oath.

Q. Before you came to your houſe in Brown-ſtreet, you did ſtop at a public-houſe, and the priſoner called for a pint of beer?—*A.* Yes.

Q. You did ſee a man there; how came you not to aſk his aſſiſtance?—*A.* He was a cripple, and the priſoner had told me if I made any noiſe he would do my buſineſs for me; I went to put my ear to liſten if there was any body in the tap-room, and the priſoner would not let me.

Q. You did not go in?—*A.* No.

Q. Do you mean to tell me the only reaſon why you did not ſpeak at that public-houſe was, becauſe he had intimidated you, and ſaid he would do your buſineſs for you?—*A.* Yes.

Q. In conſequence of the wounds you had received, you could not attend according to your appointment?—*A.* No; I had received no wounds.

Q. Did not you ſay that you did not attend on account of the injury you had received?—*A.* Yes, from the priſoner keeping me down with his knuckles in my throat, and his foot upon my breaſt at the ſame time.

Q. The priſoner had got ſome diſtance when you got to your own door?—*A.* About 50 yards.

Q. You had an opportunity of bringing ſome weapons down with you?—*A.* I could not get into my room, there was nobody in the houſe but the perſon that let me in, and ſhe was in her ſhift, about 80 or 90 years of age.

Q. What diſtance might you have walked with the man after you left your own houſe?—*A.* Not more than twenty yards; I left him in conſequence of his ſaying that he would do my buſineſs, or be the means of my buſineſs being done.

Q. When was it that you apprehended him?—*A.* On the Monday following.

Q. So it was Thurſday, Friday, Saturday, Sunday, and Monday, before you apprehended him?—*A.* On the Thurſday I was very ill, on the Friday I went to Whitehall, and begged leave to walk through the line, and obſerve the man; on the Friday, on the Saturday, and on the Sunday, I did the ſame, and on the Monday I met with him as I have deſcribed.

Q. I take it you went next day before the Magiſtrate to give information of this tranſaction?—*A.* No, I did not, till after I had taken the priſoner into cuſtody, for this very reaſon, I could not apprehend the man from the fictitious name that he gave me.

Q. Do you mean to ſay you could not have gone to a Police-office and given information?—*A.* The adjutant told me, the only way I had was to walk through the lines till I found him.

Q. When you met with him in the court-yard, at St. James's, he ſpoke to you firſt?—*A.* Yes.

Q. What time of the day was it?—*A.* About the time the guard was relieved at St. James's; it was about eleven o'clock.

Q. Did he not aſk you for five ſhillings that he had advanced you?—*A.* No, he did not.

Mr. Knapp. *Q.* You had been ſeveral times to ſee the guard relieved, in order to ſee if you could find the man?—*A.* Yes, I attended Friday, Saturday, Sunday, and Monday.

Court. *Q.* You valued your watch becauſe it was your father's—Did he bequeath it to you?—*A.* No, he gave it me on his death bed.

—— CHAMBERLAYNE *ſworn.—Examined by Mr. Knapp.* I am ſervant to Mr. Wright, a pawnbroker, in the Almonry, Weſtminſter.

Q. Do you know the priſoner?—*A.* Yes, I have known him ſome time.

Q. Did he at any time pawn a watch with you?—*A.* Yes, on the 23d of Auguſt, about one o'clock at noon, *(produces the watch)*; I have had it ever ſince; I am ſure the priſoner is the man.

Fitzgerald. This is my watch, I know it; on the front is written Joſeph Fenton, and the maker's name is Harriſon, 496.

Court. (To Chamberlayne.) *Q.* Do you familiarly take in watches from common ſoldiers?—*A.* I knew him very well.

Q. You never aſk any queſtions at all?—*A.* Yes.

Q. Why did you not in this caſe?—*A.* By uſing the ſhop I thought it was his own.

JOHN MARSDEN *ſworn.—Examined by Mr. Knapp.* I am a Police-officer belonging to Queen-ſquare: I apprehended the priſoner at the guard-room, at St. James's Palace, on the 27th of Auguſt laſt; I ſecured him, and brought him to the office, and while he was at the office, I learned that his quarters were in Whitcomb-ſtreet; I was ſent up there to ſearch his knapſack, and there I found the duplicate; I told him his corporal had been there, and got his knapſack away; I met the corporal in St. James's-park, and he gave me the duplicate out of the knapſack; there is the name of John Bruton upon it, *(produces it)*.

Chamberlayne. This is the duplicate I gave to the priſoner at the bar.

THOMAS HATCH *ſworn.—Examined by Mr. Knapp.* I am a Police-officer; I was at the apprehenſion of the priſoner at the guard-houſe.

Q. Did

Q. Did the priſoner ſay any thing about this buſineſs?—*A.* Not that I heard.

Priſoner's defence. I have been ten years in the Guards, and never was arraigned at the bar in my life before; that gentleman and I had been together at different public-houſes, drinking together, and he was going with ſome girls; he ſaid, he had no money, and I lent him five ſhillings, he gave me his watch in my care till he paid me; he ordered a pint of beer as we went along, and he called at Brown-ſtreet, and ſaid, his wife was gone to bed, and he could not get me five ſhillings; and then he appointed to meet me the next day, at the King's-arms, and to bring me the money, and have his watch. I have a comrade here to prove that I went to the King's-arms at the time appointed; and when I met him on the 27th, I tapped him on the ſhoulder, and ſaid, why did not you come to your time, I am very ſorry, but I have been obliged to pledge your watch, in conſequence of not having the five ſhillings. I told him, I would give him the duplicate.

Fitzgerald. I have another witneſs to prove that I was ſober when I returned home.

Mrs. CHILTON *ſworn.*—I live in Brown-ſtreet; I let Mr. Fitzgerald in the night this affair happened.

Q. Was he drunk or ſober at that time?—*A.* Perfectly ſober.

Q. What time was it?—*A.* About eleven, it might be five minutes before, or five minutes after.

Croſs-examined by Mr. Alley. Q. You live in the ſame houſe with the proſecutor?—*A.* Yes.

Q. You were up when he came home?—*A.* The ſecond time I was, but I did not hear him the firſt time. He lodges with my mother.

For the Priſoner.

NATHANIEL HAYNES *ſworn.*—*Examined by Mr. Alley.* I belong to the ſame regiment and the ſame company with the priſoner: On the 23d of Auguſt, he came to my quarters, the Duke's-head, in St. Martin's-ſtreet, about half paſt nine, and aſked me, if I would have a drop of gin; I ſaid, no; and we had a pint of beer; he aſked me, if I would take a walk with him, he ſaid, he was going to meet a gentleman, who was in liquor the night before, who ſaid to him, ſoldier, can you lend me five ſhillings, and I will let you have my watch; and he told me, he had lent him five ſhillings, and he was to come to the King's-arms, Little St. James's-ſtreet; I went with him there, and had a pot of ale, and ſtopped there from eleven o'clock till half paſt twelve.

Croſs-examined by Mr. Knapp. Q. What are you?—*A.* A private ſoldier.

Q. How long have you known him?—*A.* About a year and four months.

Q. What is his name?—*A.* John Bruton.

Q. Are you ſure of that?—*A.* Yes.

Q. He told you he had got a watch?—*A.* Yes.

Q. How long have you been in Court?—*A.* Not till I was called in.

Q. Try and recollect yourſelf a little; two perſons have been depoſing, upon their oaths, that he was ſober—Do you mean to ſay, the priſoner told you he was drunk?—*A.* Yes, I am ſure of it.

Q. How long a converſation might you have upon the ſubject?—*A.* About a quarter of an hour.

Q. How much had you drank together in that time?—*A.* All together three pots of beer.

Q. How much had you before?—*A.* A pot of beer.

Q. Then you were perfectly ſober?—*A.* Yes.

Q. And he was perfectly ſober?—*A.* The man ſeemed to me to be very ſober.

Q. His name is not John James?—*A.* No; his name is John Bruton.

The priſoner called his ſerjeant, who had known him eight years, and gave him a good character.

GUILTY Death. (Aged 27.)

Tried by the firſt Middleſex Jury, before
The LORD CHIEF BARON.

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522. THOMAS WHOMBY and WILLIAM RADFORD were indicted for that they, on the 2d of Auguſt, being in the dwelling houſe of William Roſethorn, a wooden caſk, value 6d. and two gallons and a half of rum ſhrub, value 30s. the property of the ſaid William, feloniouſly did ſteal; and about the hour of twelve in the night of the ſame day, the ſaid houſe did break and enter, and the goods therein being, feloniouſly did ſteal.

MARY ROSETHORN *ſworn.*—I am the wife of William Roſethorn, I keep a public-houſe, the Feathers, Broad-way, Weſtminſter; my huſband was taken priſoner in the expedition at Oſtend, and I was left with two children: The two priſoners lodged with me, they are both ſoldiers in the Coldſtream regiment. On the 2d of Auguſt, I was ill of the rheumatiſm in my head, and ſtaid in the bar till I could not ſtay any longer; I laid down my head in the kitchen upon the table, till almoſt eleven o'clock; juſt before it ſtruck eleven, I ordered the girl to put up the ſhutters, for I was ſo wearied, I wiſhed to go to bed; I then went into the bar, where were the two priſoners ſitting with a woman with them; I deſired them to go to bed, I thought it was time; when I was going to ſhut up the houſe, the girl went into the parlour to ſhut the window-ſhutters, and I outſide to hold the ſhutters to till ſhe faſtened them inſide; I came into the tap-room, and miſſed Whomby all at once, I did not know which way he had gone; I aſked Radford to go to bed, and he went out, and ſtopped about two minutes;

minutes; he then came back and aſked for a candle to go to bed; I then ordered the girl to go and faſten the cellar flaps and ſhoot the bolts; and I went to ſee it done; ſince my huſband has been gone, I have been very careful to ſee that every thing was faſtened before I went to bed; I heard the girl ſhut to the bolts while I was faſtening the ſhutters; I locked the tap-room door and the girl locked the cellar-door, and gave me the key; I make it a rule always to take up the keys with me; the girl ſleeps in a bureau bedſtead, oppoſite to the cellar door; I ſaw every thing faſt, I went to bed a little before eleven; I got up to waſhing between three and four, I found every thing faſt as I left it; I went out of doors, I took the bolt out of the window ſhutters, and called the girl; when I took the bolt out of the window ſhutters, I found my cellar flap almoſt out of the place where it ſhuts in, and lifted into the ſtreet, it muſt have been unbolted inſide; I have every reaſon to believe Whomby concealed himſelf in the cellar, for he had not been to bed, that I am ſure. I then called the watchman, I found a caſk of ſhrub miſſing, and the rum all poured out, I ſuppoſe there might be four or five gallons in it. I found myſelf incapable of waſhing, and I got a waſher-woman; I continued in my tap-room and bar all the morning, till about half paſt ſix o'clock; Whomby came in very much in liquor, he did not ſay a word to me, nor I to him; he went into the yard and ſtopped there, it might be five minutes; then he went up ſtairs, I took particular notice of him, for the back cellar has a ſpring in it, and is generally ancle deep in mud and water; and to prevent my ſervants going into it, I pump it into the front cellar. When he came in, his ſhoes and the lower part of his trowſers were all over mud, the ſame as was in my back cellar; he ſtopped up ſtairs about a quarter of an hour, and he made Radford get up, and they came down ſtairs; they had a pint of beer in the tap-room, it was then near eight o'clock. The girl and I went out to drive ſome ducks in, and Radford followed me, and ſtood at the door; and then Whomby gave a great whiſtle; I thought ſomething was the matter, and I ſaw Whomby attempt to go up ſtairs; I went to go in, and Radford ſtopped me at the door, ſo that I could not get in; I followed him up ſtairs, and I got up the two-pair of ſtairs nearly as quick as him; then I ſaw him with the caſk of ſhrub under his left arm; I told him, he ought to be aſhamed of himſelf, in the manner in which I was left, to be robbing of me for ſix weeks; ſays he, d—n you, you b—h, if you don't get down ſtairs, I will kill you immediately; with that, I returned down ſtairs, and called out, murder! thieves! and alarmed the people in the houſe and at the door; then I went up ſtairs, but before I could get up ſtairs, Whomby had given Radford the caſk of ſhrub; and Radford was putting a knapſack over it in a box of Radford's; I did not know then what it was he was putting in the box; I begged of Whomby to give me the caſk of ſhrub, and he ſaid, he had not ſeen it; and he threatened me a great deal, and ſaid, I was ſo and ſo, and he had never robbed me of any thing; Radford kept faſtening up the box and ſtanding before it. I came down ſtairs, and Whomby followed me; I then ſent for a conſtable, and Radford came down afterwards. The conſtable took Whomby away, and Radford went into the tap-room; I ſaid, Radford, I am afraid you have had connections in robbing me, theſe ſix weeks, of every thing I have loſt; I told him, he might be aſhamed of himſelf, when he did not know whether I had a father living for my children, or not; and he abuſed me very much. There was a corporal there gave him a ſhare of a pint of ale; and the corporal was more curious in watching Radford than I was; for I was ſo full of trouble, I did not obſerve what was going forward. The corporal went up ſtairs after Radford, and ſaw the caſk, and then the conſtable fetched it down; I am ſure it was my caſk, I had emptied a little ſhrub out of it the day before.

Croſs-examined by Mr. Gurney. Q. Did you ever ſee your caſk of ſhrub from the day before, till it was produced to you by the corporal?—*A.* I ſaw it that evening before I went to bed.

Q. And you did not ſee it from that time till it was produced to you by the corporal?—*A.* No.

Q. You did not ſee it in Radford's box?—*A.* No.

Q. You had the misfortune to have your huſband taken priſoner at Oſtend?—*A.* Yes.

Q. Is your huſband alive?—*A.* I did not know till the 3d of this month, when Sir Eyre Coote came home, that I had a father to my children.

MARY SWEET *ſworn.*—I am ſervant to Mrs. Roſethorn; all that I know about it, is, that I faſtened up the cellar-window with two bolts.

WILLIAM M'CLAVERTY *ſworn.*—I am a corporal, I lodged at Mrs. Roſethorn's: At that time I was in bed, when I heard Mrs. Roſethorn cry out, a robbery; I went up ſtairs into the room, and there were a great many people in the room ſeeking the caſk; I ſtood juſt inſide of the room door, and I ſaw Radford go to the box in the room; the box was tied up with a black canteen ſtrap, he ſtood in front of the box; there was one corner of the box that there was a piece broke out of, he ſtood againſt that; I did not ſay a word then till all the people went down ſtairs; they could not find it. I came down ſtairs, and he was ſitting in the tap-room; I called for a pint of ale, and gave him a glaſs of it, and I aſked him who that box belonged to that was in the room; he ſaid, it was his; I ſaid no more, but went into the parlour; and he went up ſtairs;

I followed

I followed him up, and ſaw him take the canteen ſtrap off the box, and take the caſk out and carry it into another room, and put it under the bed; when I came down ſtairs, the officer was there, and I told him of it, and he went up ſtairs along with me, and found it in the box.

WILLIAM MESSENGER *ſworn.*—I found this caſk under the bed at Mrs. Roſethorn's. *(Produces it.)*

Mrs. Roſethorn. This is my caſk.

Whomby's defence. I left the houſe about half paſt nine the over-night, and did not return till half paſt ſix the next morning; I went into the ſkittle-ground, and there I ſaw the caſk, I took it up to Radford, and told him I had found a caſk with ſome kind of liquor in it, and it turned out to be ſhrub.

Radford's defence. I know nothing of it.

(The indictment having charged the ſtealing the goods, then the breaking out of the dwelling-houſe, and after that ſtealing the goods therein, the Court were of opinion that it was ſo far bad, that the capital part of the charge could not be maintained.

Whomby, GUILTY (Aged 24.)
Radford, GUILTY (Aged 23.)

Of ſtealing the goods, but not of the burglary.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury, before Mr. COMMON SERJEANT.

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523. SARAH LAWRENCE and MARY SMITH were indicted for feloniouſly ſtealing on the 2d of Auguſt, four pair of ſilk ſtockings, value 44s. the property of John Garton, in his dwelling-houſe.

JOHN GARTON *ſworn.*—I live in Cheapſide; I am a hoſier; I can only ſwear to the property.

ROBERT WHITE *ſworn.*—I work in Mr. Garton's ſhop: On the 2d of Auguſt, between four and five, the two priſoners came into my maſter's ſhop, and aſked the price of ſome cotton ſtockings; they would not ſuit them; they ſaw ſome ſilk gloves, and aſked the price of them; they would not do; Lawrence ſaid, ſhe wanted a little flannel, about 1s. 6d. a yard; ſhe took the ſhopman to the window next Lawrence-lane, to look at the flannel; in the mean time I happened to turn my head, and ſaw Smith put ſome ſilk ſtockings under her bonnet upon her head; I thought it was time for me to jump from my frame; I tapped her on the ſhoulder, and ſaid, madam, what have you got in your bonnet? ſhe ſaid, nothing at all; I ſaid, I know better than that, I took her bonnet off her head, and there were four pair of ſilk ſtockings, I laid them upon the counter ſeparate from the reſt, but deſired the ſhopman to call my maſter.

Q. Do you know that they were your maſter's property?—*A.* I ſaw her take them off the counter, I ſaw them brought in that morning by the trimmer, there were fifteen pair of them.

Croſs-examined by Mr. Gurney. (For Lawrence.) Q. You do not mean to ſay that theſe two perſons came in together?—*A.* Yes, they came in together as nigh as poſſible at the ſame time.

Q. Smith aſked to look at ſome ſtockings and gloves?—*A.* I did not pay attention which aſked that.

Q. It might be Smith for any thing you know?—*A.* I cannot ſay.

Q. Lawrence aſked for flannel?—*A.* Yes.

Q. She was in a different part of the ſhop?—*A.* Yes.

Croſs-examined by Mr. Alley. (For Smith.) Q. Whereabouts in the ſhop was Smith?—*A.* If you will go to the ſhop I will ſhew you, I cannot tell you exactly without; I ſaw her take the ſhopman to the window next Lawrence-lane.

Q. Where about were you in the ſhop?—*A.* I was at work in the frame in the ſhop.

Q. You were making ſtockings?—*A.* No, we make but one at a time.

Q. You were not behind the counter ſerving?—*A.* No.

BENJAMIN DIXON *ſworn.*—I am conſtable of the Ward of Cheap: On the 2d of Auguſt, between four and five, I was ſent for to take charge of the priſoners, which I did; I have had the ſtockings ever ſince. *(Produces them.)*

Mr. Garton. Theſe are my ſtockings, I can ſwear to every pair; they have my own private mark.

Mr. Gurney. Q. Have you any partner?—*A.* No.

Q. No other perſon has any ſhare in your buſineſs?—*A.* No.

Q. Is this your dwelling-houſe?—*A.* Yes.

Mr. Alley. Q. You ſell your ſtockings rather dear, I think?—*A.* I do not know for that; they coſt me eleven ſhillings a pair.

Q. Do you mean to ſay this pair of ſtockings is worth eleven ſhillings?—*A.* That is not worth quite ſo much, but they coſt me that.

Lawrence's defence. I was at a different part of the ſhop, I do not know any thing about it.

Smith's defence. It was only through the conſtable's perſuaſions that the gentleman did not forgive us and let us go.

The priſoner Lawrence called one, and Smith two witneſſes, who gave them a good character.

Lawrence, GUILTY (Aged 18.)
Smith, GUILTY (Aged 16.)

Of ſtealing goods, value 39s.

Tranſported for ſeven years.

Tried by the London Jury, before Mr. COMMON SERJEANT.

524. ANN

524. ANN SMITH was indicted for feloniously ſtealing on the 29th of Auguſt, a ſilk cloak, value 10s. a ſatin bonnet, value 4s. two cotton gowns, value 10s. a muſlin petticoat, value 7s. a woollen ſtuff petticoat, value 3s. and a linen ſhift, value 3s. the property of John Herbert.

JOHN HERBERT *ſworn*.—I live on St. Dunſtan's-hill, Tower-ſtreet; I loſt a ſilk cloak and bonnet about a quarter before eight in the evening out of a one-pair of ſtairs room, and two gowns, two coats, and a ſhift, out of a two-pair of ſtairs front room; the priſoner had lived ſervant with me about a month; ſhe left my houſe that evening about a quarter before eight; I had a character with her from a public-houſe in Bloomſbury, where ſhe had lived three or four months; ſhe went out at the back door, and took all her clothes with her, and in about an hour my wife miſſed the property. The next day I went in ſearch of the priſoner: I went to Paddington firſt, the Monday following I heard ſhe was at Greenwich; accordingly I went to Greenwich, ſhe had been there, and was gone away; ſhe had left a direction with a perſon there to come and ſee her, that ſhe lived in Cow-croſs; I went to Cow-croſs, but no ſuch perſon lived there. The next day I heard ſhe had been at Paddington, and on the Wedneſday following I found her, according to the direction, in Cow-croſs; in her pocket I found two duplicates of a ſhift and a ſtuff petticoat; ſhe ſaid he had put the other duplicates looſe in her pocket, and had loſt them, but ſhe gave us a direction to the pawnbroker's, and we went and found a gown and cloak, and a coat, at Greenwich; the bonnet we found where we took her.

ROBERT PEART *ſworn*.—*A*. I am a pawnbroker in Fleet-ſtreet, *(produces a ſhift)*; it was pledged at our ſhop by a woman, but I cannot ſay it was the priſoner.

Q. *(To Herbert.)* You diſcovered this by the duplicate you found upon the priſoner?—*A*. Yes.

JOHN PARKER *ſworn*.—I am ſervant to a pawnbroker at Greenwich, *(produces a cotton gown and a black ſilk cloak)*; they were pledged the 30th of Auguſt by the priſoner at the bar.

EDWARD CARTER *ſworn*.—I am a pawnbroker at Greenwich, *(produces a gown and two petticoats)*; they were pledged with me on the 30th of Auguſt, and a ſtuff ſkirt on the 3d of September; I am certain it was the priſoner.

—— LAMMAS *ſworn*.—I am a conſtable, *(produces the bonnet)*; it was found in the room where I took the priſoner. *(The property was depoſed to by the proſecutor.)*

Priſoner. It is the firſt fault I have ever committed; I hope you will ſhew mercy.

GUILTY (Aged 21.)

Confined one week in Newgate, and fined 1s.

Tried by the London Jury, before Mr. COMMON SERJEANT.

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525. THOMAS CURTIS was indicted for that he, on the 25th of July, in the 13th year of his Majeſty's reign, at the pariſh of St. Matthew, Bethnal-green, did take to wife one Ann-Jane Millie; and that afterwards, on the 10th of May, in the 34th year of his Majeſty's reign, at the pariſh of St. Botolph, Aldgate, feloniouſly did take to wife Ann Hale, the ſaid Ann-Jane Millie, his former wife, being then alive; and that afterwards, on the 12th of Auguſt laſt, he was apprehended for the ſame felony at the pariſh of St. Mary Matfellon, otherwiſe Whitechapel, in the county of Middleſex.

ISAAC MILLIE *ſworn*.—I was preſent at the marriage of my ſiſter, Ann-Jane Millie, with Thomas Curtis, the priſoner at the bar, at Bethnal-green, on the 25th of July, 1773; ſhe is now living.

Q. What is Curtis?—*A*. A taylor; I have known him ever ſince almoſt, he lives ſomewhere about Eaſt Smithfield.

(The pariſh clerk of Bethnal-green produced the pariſh regiſter); reads—"25th July, Thomas Curtis to Ann Jane Millie."

JOHN TASKER *ſworn*.—I am pariſh clerk of St. Botolph, Aldgate, *(produces the regiſter)*; reads—"St. Botolph, Aldgate.—"Thomas Curtis, of this pariſh, widower, and Ann Hale, of this pariſh, widow, were married in this church by banns, on the 10th of May, 1794, by me, William-Hamilton Warren, curate, in the preſence of Thomas Parry and John Taſker.

Q. Do you know the man again?—*A*. I am confident that is the man.

THOMAS PARRY *ſworn*.—The priſoner came to me one evening, and told me he was going to be married in the morning, and begged as a favour that I would give her away; I ſaid, I did not know that his firſt wife was dead; he ſaid, yes, ſhe had been dead ſome time, and accordingly I went next morning and gave her away.

Q. Did you know Ann Hale?—*A*. I never ſaw her before that day.

JOHN MILLIE *ſworn*.—I was at the firſt marriage; I know nothing of the ſecond marriage.

ROBERT COOMBES *ſworn*.—I am an officer belonging to the Public-office, Whitechapel; the priſoner uſed to preach by the road ſide, near the London Infirmary, Whitechapel; we had an order from the Magiſtrates to deſire him to quit that place,

place, which he would not do; in conſequence of that he was ſummoned to appear before the Magiſtrate; he was fined in the penalty of 20l. When I went to ſerve the warrant of diſtreſs upon his goods, the landlord came in firſt for rent, and when I was there, his firſt wife came and made an uproar about the door; I ſaid, can that be your wife? he ſaid, yes, I was married to her two or three and twenty years, but ſhe had defiled my marriage bed, and God, my maſter, told me to take a ſecond wife.

Q. Do you know any thing of the ſecond wife, whether he got any money with her or not?— *A.* No, I do not.

Priſoner's defence. My Lords, and Gentlemen of the Jury. May you live for ever, and may it pleaſe you that I may find grace in your ſight. I am happy that I have to make a defence before your Graces, becauſe ye have wiſdom to diſcern between wickedneſs and ſimplicity. The Lord, who is my judge, knoweth, that in the ſimplicity of my heart I have done this; your ſuffering priſoner, in bonds, has, by his firſt wife, been cruelly oppreſſed, as you ſhall ſee in the ſequel of my defence. After that I had been married to this my firſt wife about five or ſix years, the Lord was pleaſed to give me a knowledge of ſalvation by the forgiveneſs of my ſins, after a thorough conviction of my loſt eſtate by nature; but before this we lived very unhappy together, becauſe ſhe was not aſhamed to own to me, my Lord, that ſhe knew two men before I married her, and alſo was about to be connected, and was on the bed with her father's baker, but was interrupted by the houſekeeper, which, before I was converted, I could not brook; but when the Lord was pleaſed, my Lord, to manifeſt his pardoning love to my ſoul, I then, as he had forgiven me, could forgive her; and having now the ſpirit of light, I was given to ſee into my paſt wicked life, and ſaw, that though I was married to her according to the laws of my country, yet before God we did not come together according to his word, but as the brutes, for the gratification of our luſts. When I was thus convinced, my Lord, I then did heartily beſeech the Lord that he would marry us afreſh, and that I might then perform the duty of a huſband unto her, and I earneſtly prayed alſo for her converſion, and was in good hopes the Lord would have been pleaſed to hear my prayers, and make her a help-meet for me; but inſtead of that, my Lord, ſhe became a moſt dreadful perſecutor of me for my profeſſion's ſake, and took every advantage of me, my Lord, that ſhe could; ſhe drank very hard. However, ſoon after this, I believe about a twelvemonth or there away, after the Lord was pleaſed to convert me in his providence, he removed me to Portſmouth, my native place, from the want of buſineſs. When I came there, the Lord was pleaſed to open a door in his providence for me, and I got work, and between us both we could get a tolerable good living for poor people, our income was about a guinea a week between us both, but I was dreadfully perſecuted by her, many times have I been in danger of my life, ſhe has gone to bed with a knife by her ſide to kill me. It is true, my Lord, and the Lord is my witneſs, after having been at Portſmouth ſome time, the Lord had given me a deep experience upon my mind, and a ſtrong impreſſion that I ought to tell what the Lord had done for me, and the people there deſired me to ſpeak in the name of the Lord, and I believing that the Lord had appointed me thereunto, I, after earneſt ſupplication to the Almighty, went forth to ſpeak in the name of the Lord, they going with me. When this commenced, this woman declared ſhe would not live with me, becauſe that I would not let her uſurp authority over me, as ſhe did in this thing, ſhe would be caſh-keeper, and would not let me, when I received my wages, have any more than a ſhilling or ſo at a time, and then I muſt give her an account of every ſixpence that I laid out, and when I gave her a true account ſhe abuſed me very much. She reſolved, however, that ſhe would not live with me. I reaſoned the matter with her about breaking wedlock. I told her what the ſcriptures ſaid, that whom the Lord had joined together, no man ſhould put aſunder; I told her I knew her make, and that ſhe could not do without a man, but would be perjured, and would commit adultery. She told me ſhe would go from me in a fortnight; at the fortnight's end I little thought ſhe would leave me, for ſhe had been very quiet with me.

Court. Why did you marry the ſecond woman?

Priſoner. Becauſe, my Lord, the firſt went away and left me in Portſmouth, and bedded with a man for a year and a half in my abſence; then, after that, my Lord, at two years end it pleaſed the Lord in his Providence to bring me to London, and I took her again, not knowing what ſhe had done till afterwards; then again, we were removed into Eaſt Smithfield, where we lived for three or four years, or more, together; then ſhe went on again drinking and pawning every thing ſhe could lay her hands upon; ſhe retailed my coals, my candles, my tea, and every thing out to the neighbours to get money to purchaſe drink; when I came to the knowledge of this, ſhe uſed me exceedingly ill, throwing irons, and knives, and a variety of things, at me; after this, one night, when I was gone to hearing,—

Court. The Court cannot ſit to hear all the quarrels between you and your firſt wife, tell us your reaſon for marrying the ſecond; as to all you can

can ſay with reſpect to your firſt wife it cannot avail you at all.

Priſoner. My Lord, when ſhe had run away, I had not the gift of continency myſelf, and I underſtood, from the Scriptures, that when a woman has gone aſide from her huſband, it is lawful for a man to put away his wife; and as I ſaw myſelf clear before God, I did not know I was not clear by the laws of my country; I met with my preſent wife, whom I married, in the Lord, that I might not commit fornication, having firſt told her that my former wife was living; my firſt wife was as young as myſelf,—

Court. I cannot hear the point argued, the law is clear, and you confeſs the fact.

GUILTY (Aged 46).

Confined one year in Newgate, and fined 1s.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice ROOKE.

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526. THOMAS CHAPMAN was indicted for that he, on the 7th of July, twenty pounds weight of lead, value 3s. belonging to a wooden ciſtern lined with lead, the property of John Armſtrong, and fixed to his dwelling-houſe, feloniouſly did rip with intent to ſteal.

Second Count. For feloniouſly breaking with intent to ſteal.

Third Count. For that he, on the ſame day, twenty pounds weight of lead, value 3s. fixed to a certain dwelling-houſe, feloniouſly did rip with intent to ſteal.

JOHN WARD *ſworn.*—I am ſervant to Mr. Armſtrong, a maſter carpenter, at Pimlico: I know nothing about the lead.

JAMES KNOWLES *ſworn.*—I have the adjoining premiſes to Mr. Armſtrong, and have the letting of the houſes: On the 7th of July, between twelve and one o'clock in the noon day, I went to the houſe No. 16, Hans-Place, Sloane-ſtreet, it is Mr. Armſtrong's houſe; I found the chain put up inſide ſo that I could not get into the houſe, I really thought ſomebody was in the houſe; I went to the houſe adjoining, and went through that houſe, and broke a way into the other houſe; I went in and ſearched every room all the way down till I came to the bottom, and ſaw the chain, which I found in a very critical ſituation, it was turned three times round the worm; when I let my friends in to aſſiſt me, we purſued for the perſons that we thought were in the houſe, we lighted a candle, and found the priſoner in the back cellar, or wine vault, ſtuck up in one corner, it was a very dark cellar; when we found him, we ſecured him in the parlour, and ſearched the houſe, but found nothing but the lead broken from the wooden ſink in the front kitchen, the holdfaſts were broke away, and the reſt of it rendered almoſt uſeleſs; we were too ſoon upon him, he had broke part of it, and we found ſome tools there.

Q. Had he broke any part of it intirely off?—*A.* Yes, one part he had, becauſe he could not get the holdfaſts out; after we had ſecured him he acknowledged to putting up the chain, he denied touching any thing in the houſe; he ſaid, he only went to eaſe himſelf; I aſked him if there was any body elſe in the houſe beſides himſelf; and he ſaid, go and look.

ROBERT WILSON *ſworn.*—I was called to the aſſiſtance of Mr. Knowles, I was at work cloſe by; Mr. Knowles let me in, and we found him in the cellar, up in a corner, and this crow was lying upon the ground between his legs, it was all over mortar, and had been juſt uſed; there was none torn quite off, only wrenched up from the woodwork, there was none torn quite away; it was ſeparated from the place where it ſhould be, but not cut off.

Q. (To Knowles.) Did not you ſay there was a part of it intirely ſeparated?—*A.* It was not taken away, but lapped over.

Priſoner's defence. I found the houſe open, and I went in to eaſe myſelf.

GUILTY (Aged 31.)

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice ROOKE.

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527. MARY DAVIS was indicted for feloniouſly ſtealing, on the 14th July, a cotton gown, value 10s. 6d. a child's frock, value 2s. a cotton pocket handkerchief, value 6d. a ſilk handkerchief, value 4s. a cotton ſhawl, value 1d. two white aprons, value 2s. 6d. and a pair of cotton ſtockings, value 1s. 6d. the property of Thomas Sutton.

ANN SUTTON *ſworn.*—I am the wife of Thomas Sutton, Saffron-ſtreet, Saffron-hill; my huſband is a ſoldier now, and is abroad. On the 14th of July, about four o'clock, I went out and locked my door; I came home about ſix, and found my door open, I miſſed the things mentioned in the indictment, *(repeating them)*; I went to Mr. Wells, the pawnbroker, in Turnmill-ſtreet, where I found my white apron, and a white apron and a pair of ſtockings at Mr. Lowe's, Clerkenwell-green; I know nothing at all of the priſoner; ſhe is quite a ſtranger to me.

THOMAS WELLS *ſworn.*—I am a pawnbroker, No. 74, Turnmill-ſtreet; I had ſeen the priſoner at our ſhop ſeveral times, *(produces an apron)*; it was pledged with me by Mary Davis on the 14th of July, between four and five o'clock; I am ſure ſhe is the perſon.

Proſecutor. This is my apron, here are two marks upon it that were made by aqua fortis.

JOHN STEVENSON *ſworn.*—I am ſervant to Mr. Lowe,

Lowe, *(produces a white apron and a pair of cotton ſtockings)*; they were pledged at our ſhop by the priſoner on the 14th of July, I cannot ſay as to the time of the day, but I believe it to be about three or four in the afternoon.

Proſecutrix. I know this to be my property.

Priſoner's defence. My huſband is a clock-maker, and ſince that buſineſs has got ſo low, I have gone about to change china, and I had changed ſome china for theſe things.

GUILTY (Aged 49).

Confined two years in the Houſe of Correction, and fined 1s.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice ROOKE.

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528. JOHN MANNING was indicted for feloniouſly ſtealing on the 26th of May, a cloth coat, value 20s. the property of James Gibbons.

JONATHAN HAMMOND *ſworn.*—I live at Mr. Gibbons's, woollen-draper, No. 84, Oxford-ſtreet; I was ſent home with a coat to Mr. Webb's, in Bolton-ſtreet, Piccadilly, on Saturday evening, the 26th of May, we did not know the gentleman, and I was to wait for the money for it, and turning round the corner of Bolton-ſtreet, the priſoner met me, and ſaid, you are going to Mr. Webb's, are you not? I told him, yes, I was; he ſaid, he was come in a very great hurry from Mr. Webb, he had a key in his hand; he ſaid, he was to take the coat, and I was to go to the great hotel place, where a great many coaches came to, facing the Green-park, I believe they call it the White-horſe Cellar, I was to go there to aſk for a parcel for Mr. Webb, and he was to take the coat to Mr. Webb; I gave him the coat wrapped up in a black wrapper; he aſked me for the bill, and I gave it to him; I went to the White-horſe Cellar, but there was no ſuch parcel; then I came back to No. 10, Bolton-ſtreet, and Mr. Webb was not at home; I waited there, and was crying about the ſtreet, and aſking the people; I went to No. 10, Bolton-row, to ſee if it was there, I was afraid to go home; a great while after that I called at No. 10, Bolton-ſtreet, again, and Mr. Webb was come home, and he went with me to Mr. Gibbons's; Mr. Webb had another coat made, and about a fortnight ago I was going with Mr. Gibbons into the country, Mr. Gibbons ſent me home with a whole piece of woollen cloth, as much as I could carry; I went with it as far as the corner of Newman-ſtreet, in Oxford-road, and this John Manning came up to me, and ſaid, that he was ſent from Mr. Gibbons's ſhop to take the cloth; it ſtruck me directly that that was the man that took the coat from me; I was very near Mr. Gibbons's, and he ſaid I was to go back again to the corner of Hanway-yard for a parcel, where the coaches ſtop; I ſaid to him, ſhould I take the cloth along with me for the parcel, and he ſeemed quite in a flurry; he ſaid, oh, no, I muſt take the cloth, and you muſt go for the parcel; I had put the cloth down from my ſhoulders, and he had his hands upon it to take it, but I did not let it go; then I took hold of him by the collar, and told ſome gentlemen to ſtop him; with that he got away from me in a minute, and pulled his apron off and buttoned his blue lappelled coat; he did that juſt as he began to run, he run as hard as he could; I called out ſtop thief, and I ran after him as well as I could; he ran down Oxford-ſtreet as far as Berner's-ſtreet, he was ſtopped at the top of Berner's-ſtreet by this young man; I am ſure he is the man that took the coat, I knew him directly when he came up to me when I had the cloth, I am ſure he is the ſame man; I aſked the people that had got him to bring him to No. 84, Oxford-ſtreet, facing Poland-ſtreet, and juſt by the door he was reſcued; he ran down Poland-ſtreet, and there was a conſtable delivering a ſummons there, and he took him again; he was brought back to Mr. Gibbons's ſhop, and ſearched, they tied his hands with a piece of liſt, and took him to the office, there was a rule found in his pocket, and ſome papers of his own, he was a carpenter.

Priſoner. What kind of a coat had I on?—*A.* In Oxford-road he had a blue coat on, when I ſaw him before he had no coat on, he had a jacket and an apron on; there was a boy ſaw him talking to me at Newman-ſtreet, and another boy, and I aſked them to go to the office, and they ſaid, no, they would be out of the meſs.

Q. Are you ſure he is the man that took the coat?—*A.* Yes; it was a good while ago, but I knew him as ſoon as ever he came up to me when I had the cloth.

BARNETT-HENRY BROWN *ſworn.*—I live in London-ſtreet, Fitzroy-ſquare.

Q. What are you?—*A.* A gentleman's ſon; I was coming down Oxford-road, I heard a cry of ſtop thief, I ſtopped this man, who was running, and told him it was for a coat, I ſearched his pocket for his apron, and he had not got it; he ſaid, he would go back with me; the boy told me he had an apron on, but when I ſtopped him he had not.

Priſoner. *Q.* What coloured coat did the boy ſay I had on?—*A.* He ſaid you had a brown coat on, he made ſeveral heſitations about it, he was not quite certain.

Q. What are you yourſelf?—*A.* A gentleman's ſon; my father is a Portugal merchant, and generally reſides there, he has no buſineſs here, he tranſacts for Mr. Duff, in Finſbury-ſquare.

Court. *Q.* The man was running when you ſtopped him?—*A.* Yes.

Q. How

Q. How long has your father lived in London-ſtreet?—*A.* Seven years and a half.

Q. Who is your father's partner in Portugal?—*A.* I do not know, all his letters come in Portugueſe, I do not know any thing of him, he is a ſteward, I believe.

Q. Steward to a merchant?—*A.* Yes.

Q. What part of Portugal is it?—*A.* Somewhere in the North.

Q. What province in the North?—*A.* I cannot tell, I never heard the name mentioned.

Q. Mr. Duff is the correſpondent?—*A.* Yes.

Q. Did you never hear the name of your father's partner there?—*A.* No.

Q. How old are you?—*A.* Eighteen.

Q. Where did you ſtop the priſoner?—*A.* At the corner of Caſtle-ſtreet, in Berner's-ſtreet.

Q. You did not ſtop him in Poland-ſtreet?—*A.* No.

Q. You have not told us a word of his running away?—*A.* A young man laid hold of him from me, and aſked him what buſineſs he had to ſtop or be taken, and he ran away down Poland-ſtreet, and there he was ſtopped by a conſtable, and then I went back with him to the ſhop.

Q. *(To Hammond.)* Did you ever ſay any thing about his having a brown coat?—*A.* No; I went into the crowd, and ſaid, it was a blue coat; this Mr. Brown has been to ſee him in Clerkenwell priſon.

Brown. No, I have not; I went to ſee another perſon there, Bill Doyle, and then I ſaw him.

Hammond. At the time I was getting the bill, I could not find him, and he did not anſwer, and when he came back, he ſaid he had been to ſee poor Manning, that he had got five children.

Court. (To Brown.) Q. I ſhall enquire your deſcription—what is your father's name?—*A.* Bernardino Eſcoſſia, No. 40, London-ſtreet.

Q. How came you by the name of Brown?—*A.* That is my mother's name, and I put my own name beſides, Bernard-Henry Brown, my mother lives there too.

Q. And ſhe goes by the name of Eſcoſſia?—*A.* No, Mrs. Brown, he is my ſecond father, he is not my firſt father.

Q. How came ſhe to go by her firſt huſband's name?—*A.* I was too young to know any thing about it; my firſt father was killed in a duel.

Q. What was your own father?—*A.* I do not know, I never heard.

Q. And you never enquired what he was?—*A.* No.

Q. Then of courſe you never enquired whether he died worth any moeey?—*A.* I did not.

Q. You may have a very large fortune for any thing you know?—*A.* I do not know indeed.

Q. And you are eighteeen years of age?—*A.* Yes.

Q. Does your father ſpeak Engliſh?—*A.* He can ſpeak a little Engliſh, but he ſpeaks more French; Mr. Gordon, No. 29, Percy-ſtreet, comes to him very often.

Priſoner's defence. I am an innocent man of this fact, I was going that way about ſome buſineſs, I am entirely innocent of it, I have a wife and five ſmall children; I know nothing of it more than the child unborn.

The priſoner called two witneſſes, who gave him a good character.

GUILTY (Aged 44.)

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. COMMON SERJEANT.

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529. GEORGE WILLIAMS, otherwiſe CHRISTOPHER HOLYLAND, was indicted for being found at large before the expiration of the term for which he was ordered to be tranſported.

WILLIAM HARTSHORN *ſworn.*—I am the firſt mate of the Staniſlaus hulk, lying off Woolwich Warren; the priſoner was delivered by the jailor of Leiceſter, on board that hulk in April, 1794; and in October, 1795, he received a conditional pardon, upon ſerving in his Majeſty's navy. *(The pardon produced and read.)*

Q. Is the priſoner the man that you delivered?—*A.* Yes; I delivered him to Lieutenant Chriſtie.

JOHN NOWLAN *ſworn.*—I went with my brother officers to the priſoner's lodgings in St. Catherine's lane, on the 11th of Auguſt; we told him there was an information laid againſt him at the office, and he muſt go with us, which he did very readily; we took him into cuſtody to the office, that is all I know of him, *(produces a certificate of his conviction);* I received it from Mr. John-Frederick Hilditch, clerk of the aſſize at Leiceſter; I ſaw him ſign it at his office, in Gough-ſquare.

Mr. Knowlys. Q. Do you know Mr. Hilditch?—*A.* I never knew him before.

Q. Who did you enquire for?—*A.* Mr. Hilditch.

Q. What is he?—*A.* Clerk of the aſſize, as I am informed.

Mr. Knowlys. He is only deputy.

Court. It is ſigned by Mr. Hilditch, as deputy clerk of the aſſize, and therefore as ſuch I ſhall certainly receive it.

(Mr. Alley contended, that it ought to be ſigned by the clerk of the aſſize himſelf, and not by his deputy, and that therefore it ought not to be received in evidence.)

(The Court over-ruled the objection.)

(The copy of the conviction read.)

Mr.

Mr. Knowlys. (To Nowlan.) Q. You were not preſent at the trial at Leiceſter?—*A.* No.

(Here Mr. Knowlys and Mr. Alley contended at conſiderable length, that there was no proof of identity of the priſoner's perſon.)

Court. What is the evidence here? I have under the King's ſigned manual an aſſertion of this fact, that the priſoner, George Williams, otherwiſe Chriſtopher Holyland, the very man at the bar, was convicted of ſtealing goods, the property of John Forreſt, and received ſentence of tranſportation for ſeven years; that the King ſays, and then he ſays, he ſhall be pardoned, on condition of ſerving in the navy, and the priſoner admits that he is the man, for he accepts the terms of the King's gracious pardon, by going on board a ſhip.

Mr. Knowlys. I take it that is by no means proved. The man having him in cuſtody delivers him over to a perſon who gives a receipt for him, but it is by no means proved that he is called up and aſked whether he will accept it.

Court. I hold that not to be neceſſary; the favour of the King's mercy it ſhall not be in his power to refuſe.

(Mr. Alley alſo contended, that there were but three Acts of Parliament which related to the offence of returning from tranſportation, and that the preſent caſe did not come within either of them.)

Court. I am perfectly ſatisfied that there never was a clearer point before a Court. The learned gentleman ſays, there are but three Acts of Parliament which relate to this offence, one making it felony to be found at large after having received ſentence of tranſportation; another, where a man having firſt received ſentence of death, and afterwards the King's pardon, if he is found at large that ſhall be felony; and the third is, where he undertakes to tranſport himſelf, and is found at large. Now, what is the caſe here? This man is under ſentence of tranſportation upon one of theſe very acts of Parliament, he is proved to be in cuſtody under that ſentence, he is diſcharged from thence on condition of entering and ſerving on board his Majeſty's navy, and he is to remain there till he is duly diſcharged. If he deſerts, he is directly within the Act of Parliament for returning from tranſportation. It ſeems to me, therefore, one of the cleareſt points that ever came before a Court.

Priſoner's defence. I am no deſerter; I was regularly diſcharged.

For the Priſoner.

SAMUEL INMAN *ſworn.—Examined by Mr. Knowlys.* I am a clerk in the Navy-office.

Q. Have you the book belonging to the Atlantic?—*A.* Yes.

Q. Have you the name of this priſoner entered as on board that ſhip?—*A.* There is no ſuch name as that on board the ſhip; there is the name of Joſeph Wilſon as entered on board this ſhip, from the 12th of December, 1797, as an able ſeaman, to the 2d of June, 1798, as captain's clerk, and then he is diſcharged on the 2d of July, 1798, by requeſt.

Court. Q. You know nothing of his perſon?—*A.* No.

Mr. Alley. Q. What was the captain's name?—*A.* Stephen Donovan.

Q. Do you know the hand-writing of Stephen Donovan?—*A.* No.

Q. *(To Nowlan.)* Don't you know that he appeared at the Public-office in the name of Wilſon?—*A.* That is the name he gave in at the office.

OSBORN STANDRIDGE *ſworn.—Examined by Mr. Knowlys.* I am Comptroller of the Treaſury Accounts in the Navy-office.

Q. Do you believe this to be the hand-writing of Mr. Donovan?—*A.* Yes, I believe it is; I know it very well.

GEORGE-SPENCE EYLES *ſworn.—Examined by Mr. Knowlys.* I am Solicitor for the priſoner: I was with Mr. Donovan on board the Atlantic armed ſhip, on the 29th and 30th of Auguſt, at Guernſey; I went in conſequence of the priſoner being committed; I received theſe two papers from him. *(Producing them).*

Court. Theſe papers are certainly not evidence; the book is evidence, that is the diſcharge, the book proves it.

EDWARD SMITH *ſworn.*—I am an officer: I never knew the priſoner by any other name than that of Wilſon.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. COMMON SERJEANT.

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530. MARY ROBERTS was indicted for feloniouſly ſtealing, on the 9th of Auguſt, ſixteen yards of linen cloth, value 20s. the property of John Lawrence and Charles Jolland, privately in their ſhop.

THOMAS DUTTON *ſworn.*—I live at Tottenham, I am ſhopman to Meſſrs. John Lawrence and Charles Jolland, linen-drapers, in Ludgate-ſtreet: On the 9th of Auguſt, between three and four o'clock, the priſoner came into our ſhop, with a perſon of the name of Bridget Murphy, they both aſked the price of a piece of goods, they ſaid it was a ſhilling a yard too dear; I followed Mary Roberts to the door, ſhe was going out quickly, and I put my hand upon her, and told her I would ſhew her another piece; upon that, there immediately dropped from her a piece of Iriſh.

Q. Had you any ſuſpicion of her?—*A.* No.

Q. Who was in the ſhop at the time?—*A.* Nobody

body belonging to the ſhop but myſelf; there were two ladies on the other ſide of the counter; I was cloſe to her, I did not ſee the cloth till I heard the report; there is a counter on the right, and one on the left, I was on the ſame ſide the counter the priſoner was; the two women were cloſe together, and the two ladies were about a yard off.

Q. Can you take upon yourſelf poſitively to ſay from whom it dropped?—*A.* It fell cloſe to her feet, between her and me; ſhe trod upon the cloth, there is the mark of her feet upon it, I believe, now.

Q. Where had the cloth been before?—*A.* Upon the counter.

Q. Might not Bridget Murphy have taken it and given it to this priſoner?—*A.* I cannot ſay. *(The Conſtable produced the property).*

Dutton. This is our property, it has our private mark upon it.

THOMAS EWER *ſworn.*—I am ſhopman to Meſſrs. Lawrence and Jolland, I was not in the ſhop at the time; all that I know is, that I left this piece of Iriſh on the counter when I went up to dinner, about three o'clock.

The priſoner did not ſay any thing in her defence.

GUILTY of ſtealing, but not privately. (Aged 20.)

Confined three months in Newgate, and fined 1s.

Tried by the London Jury, before
Mr. COMMON SERJEANT.

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531. RICHARD CLARK was indicted for feloniouſly ſtealing, on the 28th of Auguſt, a pocket-book, value 2d. a half-guinea, and four ſhillings, the property of Edward Meyrick, privily from his perſon.

EDWARD MEYRICK *ſworn.*—I have juſt come from the Weſt Indies, I was ſervant to one of the mates: On Tueſday in the forenoon, about twelve o'clock, or thereabouts, walking down Fleet-ſtreet, a young man tapped me on the ſhoulder, and aſked me whether I had loſt any thing; I put my hand to my left-hand coat-pocket, and miſſed my pocket-book; it contained half-a-guinea and four ſhillings.

Q. Did you feel any body at your pocket?—*A.* No.

Q. When had you ſeen it?—*A.* Three or four minutes before.

Q. Did you ever ſee your pocket-book ſince?—*A.* No; here is a witneſs here that ſaw the priſoner take it.

Croſs-examined by Mr. Alley. Q. Whereabouts in Fleet-ſtreet was it?—*A.* Near Brides-paſſage.

Q. Where had you been before that?—*A.* From my lodgings at Weſtminſter.

Q. Where were you when you had ſeen your pocket-book?—*A.* In Fleet-ſtreet.

Q. Did you ſtop any where in Fleet-ſtreet?—*A.* No, not before the young man tapped me on the ſhoulder; I had my hand upon my pocket-book in Fleet-ſtreet.

RICHARD DAVIS *ſworn.*—I am a watch-maker: I was going along Fleet-ſtreet on Tueſday in the forenoon, about twelve o'clock, or a little after; I ſaw Richard Clark follow the laſt witneſs, put his hand into his pocket, take ſomething out, and give it to a perſon on his right-hand, there were three of them together; they then turned down Brides-paſſage; I immediately followed Meyrick, and tapped him on the ſhoulder, and enquired of him if he had loſt any thing; he clapped his hands to his ſides, and ſaid, yes, he had loſt his pocket-book; I then went down Bride-lane, turned up Brides-paſſage, and going up Brides-paſſage, we were met by a perſon who enquired of us if he was the young man that had loſt the pocket-book; we went through Saliſbury-court, this man, Meyrick, and me, down Primroſe-hill, into Water-lane, and he was taken in Fiſhers-alley.

Q. Now, are you ſure he is the man that put his hand into the proſecutor's pocket?—*A.* Yes; they were all three taken before Alderman Boydell, but the other two were diſcharged.

Croſs-examined by Mr. Alley. Q. So you took three perſons before the Alderman, and two of them were diſcharged?—*A.* Yes.

Q. Why did not you ſtop the man at firſt?—*A.* As ſoon as ever the priſoner had picked his pocket, they turned down Brides-paſſage.

Q. Did you not ſay, before the Magiſtrate, you were not ſure, and you only thought he was one of the men?—*A.* I did not ſay any ſuch thing, I was poſitive he was the man.

Q. There was abundance of opportunity for him to have eſcaped while you were talking to the proſecutor?—*A.* We purſued them cloſely.

JOHN HILL *ſworn.*—I was coming by at the time this man was taken up, and he abuſed me very much.

The priſoner did not ſay any thing in his defence.

GUILTY (Aged 34.)

Of ſtealing but not privately.

Tranſported for ſeven years.

Tried by the London Jury, before
Mr. COMMON SERJEANT.

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532. MARGARET BUCKIE was indicted for feloniouſly ſtealing, on the 10th of July, a cotton ſhawl, value 3d. two muſlin aprons, value 7s. a linen ſhift, value 3d. a tippet, value 1d. a laced cap, value 5s. a table cloth, value 2s. 6d. a pair of cotton ſtockings, value 2s. and two ſilk ſaſhes, value 2s. the property of John Williams.

LUCY WILLIAMS *ſworn.*—I am the wife of John Williams, I live at No. 26, Grays-Inn-lane, my huſband is a ſmith and farrier: The priſoner came

came to my houſe, and I gave her a little needle-work to do; while ſhe was backwards and forwards in my room I miſſed the property mentioned in the indictment; about two months ago, ſhe came to me on a Tueſday, and on the Sunday following I miſſed the things; I went to Mr. Lowe's, the pawnbroker, on Clerkenwell-green, for ſhe had been ſeen to go there, and uſed that ſhop; he ſaid, he would not tell me whether he had ſuch things or not, he ſaid, he could not without either the duplicates or the perſon that brought them; then I went to the Police-office, and had her taken into cuſtody; the officer went with me, and found a muſlin apron, and a coloured ſhawl, and my child's tippet and ſhift, at the pawnbroker's.

GEORGE LONGDEN *ſworn.*—I am a Police-officer belonging to Hatton-garden: about the 14th or 15th of July laſt, I was ſent for by the proſecutrix to take the priſoner into cuſtody; I took her to Mr. Lowe's, the pawnbroker, and he ſaid, that was the woman that pledged the articles.

JOHN STEVENSON *ſworn.*—I am ſervant to Mr. Lowe: On the 15th of July, the officer and the proſecutrix came to enquire for things pledged in the name of Buckie; I told them I could not tell, unleſs I ſaw the ticket, there was no ſuch name as Buckie in our books; but as ſoon as I ſaw the priſoner I knew immediately, and produced the goods, for ſhe had pledged them in a different name. *(Produces the property).*

Proſecutrix. Theſe things are my property, the apron has my work upon it; I am ſure they are all mine.

Stevenſon. There had been a white apron and a table-cloth.

Priſoner's defence. I had ſome work to do for her, and ſhe gave me the ſhawl with the things wrapped up in it.

GUILTY (Aged 42.)

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice ROOKE.

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533. THOMAS STONE was indicted for feloniouſly ſtealing, on the 7th of September, three pieces of mahogany, value 5s. the property of John Schinnel.

JOHN SCHINNEL *ſworn.*—I live at No. 2, Queen's-head-alley, Wapping, I am a carpenter: I miſſed three pieces of mahogany, on the 6th or 7th of September, from the premiſes of Meſſrs. James and Weatherhead, coopers, No. 128, Wapping; I know nothing of the property being taken.

GEORGE CAMPLEY *ſworn.*—I am a labouring man, I work for Meſſrs. James and Weatherhead, to look after ſaddle-horſes; there is a thoroughfare through the yard, the mahogany laid in a cart-houſe, and the doors were open; theſe pieces were lying about the yard, I did not think they were of any value, and I dare ſay the priſoner did not; he ſaid, he would take them to make a bird-cage of; I ſaw the priſoner take them; I was charged with it, and then I ſpoke about it.

Q. What did he do with them?—*A.* He took them under his arm, and carried them away; he is a hoop-porter; he did not conceal them.

Q. You were not to have any part of the profit of it?—*A.* No.

Q. What time was it?—*A.* Between ſix and ſeven, after he had done work.

ROBERT BROWN *ſworn.*—I am a Police-officer belonging to Shadwell office: I apprehended the priſoner on Monday laſt; I found the property in the priſoner's houſe, Calico-buildings, Bermondſey; I believe he is a porter to Mr. Weatherhead.

Schinnel. I am ſure theſe are mine, two of them I have had ſo often in my hand, and ſo long, that I could pick them out of five hundred; they are worth eight or nine ſhillings.

Priſoner's defence. I was paſſing by the ſtable door, after I had done work, I ſaw theſe pieces againſt the brick wall, and I took them home for fire wood; I did not know that they were of any value.

GUILTY (Aged 34).

Confined ſix months in the Houſe of Correction, and fined 1s.

Tried by the firſt Middleſex Jury, before Mr. COMMON SERJEANT.

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534. ANN HAMPTON was indicted for that ſhe, on the 8th of May, in the 30th year of his Majeſty's reign, being then married, and the wife of James Hampton, did marry and take to huſband one James Tyrrell, her former huſband being then alive.

James Tyrrell, the principal witneſs, not appearing, the priſoner was

ACQUITTED.

Tried by the firſt Middleſex Jury, before Mr. COMMON SERJEANT.

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535. SARAH LISTER, otherwiſe EGERTON, and JANE WILLIAMS, otherwiſe HOWARD, were indicted for feloniouſly ſtealing, on the 19th of May, 30 yards of black ſilk lace, value 10l. the property of Richard Baker, privately in his ſhop.

SARAH BAKER *ſworn.*—I am the wife of Richard Baker: I loſt two cards of black ſilk lace, there were fifteen yards on one card, in all thirty.

Q. What was it worth?—*A.* About 10l.

Q. Where was it?—*A.* In a drawer upon a table, at the far end of the room.

Q. It

Q. It was not in the ſhop?—*A.* No, it is a private room, where we carry on our buſineſs; we have no ſhop; that room we ſeldom admit any body into, unleſs we know them, or unleſs they are people of faſhion. On the 19th of May, the two priſoners came to our room;—

Q. Had you known them before?—*A.* I had ſeen them before, unfortunately, in another houſe that we had, in the ſame ſtreet. When they came in, on the 19th of May, I had been ſhewing ſome lace to ſome ladies of faſhion, I did not much like their appearance, and I put this lace into a drawer, and placed it at the far end of the room; as ſoon as I was diſengaged, I went up to theſe women, on purpoſe to get them out of the houſe; I went up to Jane Williams, and aſked her very ſternly, what ſhe wanted; and ſhe immediately turned round haſtily from the table where the lace was; they both ſeemed very much confuſed, but more particularly the young one, Liſter; ſhe told me, ſhe wanted a bonnet; I told her to make choice of one, if there were any there that ſuited her, and to leave the room; ſhe fixed upon one very improper for her; I had a very ſtrong ſuſpicion that ſhe had robbed me; the price was to be eighteen ſhillings; I told her, ſhe could not have that that ſhe had fixed upon, and ſhe deſired to have one made like it, and ſhe would call for it in the evening; ſhe gave me a guinea. I then called two or three of my young people into the room, who were my apprentices or aſſiſtants; I was looking about the room, to ſee if the lace veils were ſafe; we found the veils, but did not look into the drawer where the laces were. I was conſcious they had robbed me of ſomething, but did not know what; when I was at leiſure, I went up to this drawer, and upon opening it, I miſſed the two cards of lace that I have named; they did not come that evening. On the Tueſday following, I went to the door by accident, and they were juſt paſſing; I do not believe it was their intention to come in, had I not ſeen them; they came in, and appeared very much confuſed; indeed, I aſked them the reaſon they did not call on Saturday; they ſaid, it rained; I then aſked them if they wanted any thing elſe; they ſeemed both to anſwer the queſtion; I had not change, I told them, I muſt ſend out for it; they then ſeemed very anxious to get away, without the change; while I ſent for the change, I called up a boy that we have, I deſired him to go to the front door, and take particular notice of theſe women, and to watch where they went to, after they left our houſe. When I went back into the room, they ſaid, they would not ſtay longer for the change, they would call again; they took the hat away, and went without their change; the boy watched them into Mr. Gray's, a ſilverſmith, in Bond-ſtreet; they had been in a great number of ſhops; then they met a poſt-boy with a returned chaiſe, who went with them into a public-houſe at the top of the Hay-market, and there ſtaid ſome time; the boy then followed them to the White-horſe Cellar; he loſt them there, and returned home; they went into the Richmond ſtage. Some weeks afterwards I heard that two women were in cuſtody, and I went to Bow-ſtreet to hear their examination; there was an advertiſement in the paper, cautioning ſhop-keepers, and ſaying they were in cuſtody; I immediately knew them to be the ſame women, and I was bound over to proſecute. I never found my property.

Q. Had there been any body elſe in the room?—*A.* Only the two ladies that were there when they came in, Lady Carhampton and her friend, nobody elſe had been near it, there were a number of perſons near the drawer of our own people, but they were perfectly honeſt.

Croſs-examined by Mr. Knowlys. Q. Where is your ſhop?—*A.* No. 142, New Bond-ſtreet, near the bottom of Bruton-ſtreet.

Q. This happened ſo far back as the 19th of May?—*A.* Yes.

Q. Have you a number of people that ſerve in your ſhop?—*A.* I ſerve myſelf principally, I have a number of people that make up the articles.

Q. You do not mean to ſay you ſaw them take this lace?—*A.* I have no doubt but they did, for they turned from the place where the lace was.

Q. Do you mean to ſay that you ſaw them take it?—*A.* No.

Q. Then you ſwear that they took it, though you did not ſee them?—*A.* I believe they did.

Q. If any of the veils you have been ſpeaking of had been miſſing for five minutes, you would have charged them with it?—*A.* If I had known there had been nobody left in the room but themſelves, I ſhould moſt aſſuredly.

Q. This happened on the 19th of May, of courſe you had mentioned your ſuſpicions of theſe people?—*A.* Yes.

Q. On the Tueſday following they came in again, without your calling them?—*A.* Yes; I looked at them very earneſtly, but I did not ſay any thing to them before they came in.

Q. And they paid you?—*A.* They had left a guinea the firſt time, I ſent out for change.

Q. How long might they wait for change?—*A.* Three or four minutes.

Q. The change was only three ſhillings?—*A.* Yes.

Q. And they were going out of town?—*A.* They went by one of the ſhort ſtages, I think it was the Richmond.

CATHERINE M'GIBBON *ſworn.*—I live in Mr. Baker's houſe; I ſaw Mrs. Baker put the laces into the drawer juſt after the priſoners came into the room; ſhe put it upon the table where the women were trying the hats.

Q. Were

Q. Were they covered with any thing?—*A.* No; there was not any body at that end of the room but the priſoners; I was taking down a lady's addreſs, and Mrs. Baker was taking down another lady's addreſs; we could not then ſee the drawer, becauſe we were both writing at this end of the room; there was then nobody there but the two priſoners; the ladies went away inſtantly; they were not at that end of the room where the box and women were. When the ladies were gone, Mrs. Baker, as well as myſelf, ſaw the women coming from the drawer; they turned from the table juſt as we turned from the ladies; I went and looked in the drawer before any perſon came in afterwards, and I miſſed the two cards of lace.

Q. Was there any body elſe of your own family in that room, or near the drawer, after the ladies went away, and before your miſtreſs ſearched?—*A.* Certainly not, for the people coming from the work-room go a round-about way, becauſe of diſtinguiſhing the people in the room.

Croſs-examined by Mr. Alley. Q. There were a number of other girls in the houſe?—*A.* Yes.

Q. And all very honeſt?—*A.* Yes.

Q. And they had acceſs to this room?—*A.* Yes.

Q. They are there backwards and forwards occaſionally?—*A.* It is very ſeldom that they do, they were not that day.

Q. How many people had been in after the ladies of faſhion went away, and before you miſſed the lace?—*A.* Nobody at all.

Q. As to the laces, you did not ſee them yourſelf?—*A.* Yes, I ſaw Mrs. Baker put them in the box.

Q. In what part of the ſhop might the looking-glaſs be?—*A.* The glaſs they were looking at was cloſe by that table.

Q. Therefore they might be near the table without any diſhoneſt intention?—*A.* Certainly.

Liſter's defence. I am entirely innocent of the charge.

Williams's defence. I am entirely innocent.

Liſter called three, and Williams one witneſs, who gave them a good character.

Both NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. Juſtice ASHHURST.

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536. SARAH BARKER was indicted for feloniouſly ſtealing, on the 31ſt of July, a cotton frock, value 1s. and a beaver hat, value 6d. the property of James Lake.

ESTHER LAKE *ſworn.*—I am the wife of James Lake: I ſent my little boy to ſchool with his hat and frock on about a quarter after nine in the morning of the 31ſt of July, and about a quarter paſt eleven the child was brought home out of Lincoln's-inn; I live in Fetter-lane, my huſband is a publican; the child was very much ſtained with cherries, and very much frightened, he has been very ill ever ſince, he will be four years old in November.

SARAH BIGGERTON *ſworn*—I am ſervant to Miſs Jackſon, who keeps a ſchool; the priſoner rung at the bell; ſhe came with Mrs. Lake's compliments to Miſs Jackſon, and ſhe wanted the child home, there was a perſon wanted to ſee him, and Miſs Jackſon let her have the child; I am ſure the priſoner is the perſon.

MARY JACKSON *ſworn.*—I keep a ſchool in Caſtle-ſtreet, Holborn; Mrs. Lake's child came to my ſchool; the priſoner came to me on the 31ſt of July, about a quarter after ten, with Mrs. Lake's compliments, and would be glad to have James Lake home, there was a lady there wiſhed to ſee him; upon that I delivered the child to her; as ſhe was going down ſtairs, the child had no hat on; I returned, and ſaw the child's hat lay on the table; I gave her the hat, and ſhe thanked me, and ſaid, the child was not going to return again that morning. I believe the priſoner to be the woman.

Q. Have you any doubt?—*A.* I believe her to be the woman.

Q. *(To Mrs. Lake.)* Did you ſend this woman for the child?—*A.* No; I think it is the ſame woman that was walking about the ſtreet when my ſervant went with the child to ſchool; there were three of them walking backwards and forwards for almoſt two hours, before the child went to ſchool, and ſhe had the ſame gown on then that ſhe has now.

Priſoner's defence. I know nothing at all about it.

GUILTY (Aged 28.)

The Court immediately pronounced ſentence of Tranſportation for ſeven years.

Tried by the ſecond London Jury, before Mr. COMMON SERJEANT.

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537. WILLIAM ABELL was indicted for feloniouſly ſtealing, on the 8th of July, 30 guineas, a half-guinea, 49 dollars, three Bank-notes, each of the value of 10l. three other Bank-notes, each of the value of 5l. two other Bank-notes, each of the value of 20l. eight other Bank-notes, each of the value of 2l. and a promiſſory note for the payment of 51l. 18s. the property of James Trimbey; two pocket-books, value 2s. 15 guineas, and four Bank-notes, each of the value of 1l. the property of Thomas Pearſon; and another Bank-note of the value of 100l. the property of George-Henry Trimbey.

JAMES TRIMBEY *ſworn.*—I live in Queen-ſtreet, Cheapſide, I am a merchant: The priſoner was porter to me, he had been in my ſervice about

two

two months; I was not at home when the robbery was committed.

GEORGE-HENRY TRIMBEY *ſworn*.—On Sunday night the 8th of July, between the hours of nine and ten, I was informed that our houſe had been robbed; I was alarmed by the watchman who had found the warehouſe-door open; I examined the ſtate of the warehouſe, and then I examined the ſtate of the accompting-houſe; I found both the deſks in the accompting-houſe broke open, the key of the iron cheſt, which contained the property, was miſſing from the deſk in which it was uſually kept, in which I had put it myſelf the day before; I went to the iron cheſt and found it open, I found the tin box which generally contained the bills, and the other property that is gone.

Croſs-examined by Mr. Gurney. *Q.* Are you in partnerſhip with your father?—*A.* No.

Q. Is he in partnerſhip with any body?—*A.* Not in that houſe.

WILLIAM FERBER *ſworn*.—I am a watchman, I gave the alarm: I found the warehouſe-door open on Sunday evening the 8th of July, about ten o'clock, I made the alarm to Mr. Trimbey's ſervant; the door had not been broke, the lock was not broke, nor the chain broke, they muſt have opened it.

THOMAS PEARSON *ſworn*.—*A.* I am clerk to Mr. James Trimbey: On the 7th of July I left the accompting-houſe earlier than I do in general; about ſix o'clock I put the principal part of the property into a chip box, with the idea that there ſhould be no derangement in the caſh after I left it, I left two ten pound notes, with ſundry bills, in a tin box in the deſk, locked up, Mr. George Trimbey having the correſponding key, for the purpoſe of putting the property away into the iron cheſt if I am not there; the property was eighty-two pounds two ſhillings, in a little bag, in Bank-notes and gold, and twenty-eight pounds, odd ſhillings, in paper, that is James Trimbey's property; an hundred pound note of George Trimbey's, which was in a pocket-book of my own, with about fifteen guineas, and four one pound Bank-notes of my own; alſo another pocket-book, with my name in it, a King William and Queen Mary's guinea, and my private accounts; this laſt pocket-book I have in my pocket now, I found it at Putney, in the poſſeſſion of Elizabeth Sims, with Bank-notes to the amount of two hundred and one pounds; ten one pound notes I found in the privy of John Draper, where the priſoner lodged, and alſo a large pocket-book in which was my own money; and the hundred pound note of George-Henry Trimbey's, and bills to the amount of upwards of ſix hundred pounds.

Q. How came you to go to Draper's privy?—*A.* A tin box with policies of inſurance, and other papers, uſeful to Mr. Trimbey, were found in our own privy, with a pair of pincers that we ſuppoſe the deſk was wrenched open with; and a King William and Queen Mary's guinea was found in his coat-pocket in my preſence; behind his cheſt I found ſmall pieces of paper of my own hand-writing, that had been taken out of my pocket-book; and a bag containing dollars, that I left in my deſk on the Saturday night.

Q. What is the value of the dollars?—*A.* I took them at thirteen pounds one ſhilling in my caſh account, they were found upon him by Jackſon the conſtable.

Croſs-examined by Mr. Gurney. *Q.* Whoſe property were the dollars?—*A.* James Trimbey's.

Q. And one hundred pounds you ſay was George-Henry Trimbey's—how do you know that was his?—*A.* I received it from him to take care of.

Q. In what ſituation is George-Henry Trimbey?—*A.* In his father's accompting-houſe.

Q. But you ſometimes received money from him on James Trimbey's account?—*A.* No; I do not know that I ever did.

Mr. Gurney. *(To George-Henry Trimbey.)* Was that hundred pound your own property?—*A.* Yes.

Q. Your father had no ſhare in it?—*A.* None.

MARY NORTHCOTE *ſworn*.—I live fellow-ſervant with the young woman that received the money, Elizabeth Sims, at Mr. Deveſmes, at Putney-heath: I was preſent when ſhe received the notes on Sunday evening, the 8th of July, he came down to ſee Elizabeth Sims, as he uſually did on a Sunday; he delivered to her two hundred and one pounds in Bank-notes, in a pocket-book.

Q. What did he ſay to her?—*A.* Only that he had a little money to give her.

Q. How long was it kept?—*A.* Till the Monday, Mr. Robert Trimbey, and another gentleman, came down for them.

Q. Were they delivered to them?—*A.* Yes.

Croſs-examined by Mr. Gurney. *Q.* Was it the next day, or a week after, that the gentlemen came down?—*A.* The day after.

Q. Did you count theſe notes?—*A.* Yes; I counted them down to her becauſe ſhe could not read nor write, I counted two hundred and ten pounds, and he aſked for ten back, but I made a miſtake and gave him but nine.

Q. Whether it was the ſame pocket-book, and the ſame notes, that were given to the gentlemen you do not know?—*A.* No, I do not.

ELIZABETH SIMS *ſworn*.—I live ſervant to Mr. Deveſmes: On Sunday the 8th of July, the priſoner came down to ſee me—

Q. He paid his addreſſes to you?—*A.* Yes; he came down and left with me, as I was told. 201l.

Q. Who

Q. Who reckoned them?—*A.* My fellow-ſervant; there were two hundred and ten pounds, but he had nine out of it, he aſked for ten, and my fellow-ſervant thought ſhe had given him ten; I put them into my box, and on Monday Mr. Trimbey, and his clerk came down, and I gave them the pocket-book exactly as I received it.

Pearſon. (Produces the pocket-book.) I have had it ever ſince, it has my name regiſtered upon it, it is the ſame pocket-book; it contained, when I received it, two hundred and one pounds.

Q. Do you know any of them to be the ſame notes that were loſt?—*A.* Yes; I thought two ſufficient, and here they are, the hundred pound and a ten pound note, theſe I ſwear to; the ten pound note was in the tin box, and the hundred pound was in the large pocket-book of my own.

Mr. Gurney. Q. What do you ſwear to theſe notes by?—*A.* My own hand-writing, and the dates that I had put upon them when I received them. *(The dollars produced).*

The priſoner left his defence to his Counſel.

Mr. Gurney. (To Mr. Trimbey.) Q. I believe he had a very good character when he came to you?—*A.* I had a very good character with him.

GUILTY (Aged 24.)

Tranſported for ſeven years.

Tried by the ſecond London Jury, before Mr. COMMON SERJEANT.

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538. SAMUEL WRIGHT, WILLIAM HEWLINGS, JOSIAH OLIVER, and CHARLES BEARBLOCK, were indicted for feloniouſly ſtealing on the 30th of Auguſt, four hundred pounds weight of raw coffee, value 30l. the property of George Lear, Anthony Calvert, and Thomas King, then being in a certain ſhip called the Three Siſters, lying upon the navigable river Thames.

Second Count. For ſtealing like goods, the property of Anthony Calvert and Thomas King, in a certain ſhip, called the Three Siſters, lying upon the navigable river Thames.

Third Count. For ſtealing like goods, the property of William Ellotſon, in a certain ſhip, &c.

Fourth Count. For ſtealing like goods, the property of certain perſons, to the Jurors unknown, in a certain ſhip, &c.

(The indictment was opened by Mr. Jackſon, and the caſe by Mr. Knowlys.)

JOHN GOTTEY *ſworn.—Examined by Mr. Pooley.* I am a ſurveyor of the Marine Police-office. On Thurſday night, the 30th of Auguſt, about eleven o'clock, as I was going down the river, on the north ſide, in the courſe of my duty, juſt below Ratcliff-croſs, I obſerved a boat coming towards me with two people rowing, and one ſitting a-ſtern; I was then cloſe in ſhore, under the ſhadow of the houſe; as the boat came nearer to me, I ſheered off from the ſhore to intercept her; upon my coming out from under the ſhadow, they diſcovered me, and immediately ſheered off towards the South ſide; another of our boats was following directly after me, and we both pulled towards them as faſt as we could; the boat in which Mr. Wright was went on the ſouth ſide of a ſhip then riding in the middle of the ſtream, a ſhip or brig I am not poſitive as to that; our other boat followed her, and I went the north ſide of the ſhip, athwart her bow, and by the waving of the water under her bow, which I could ſee by the light of the moon, I conceived that ſomething was thrown overboard, I rowed immediately to the place, and took in a bag of coffee from out of the water, where I perceived the waving; at this time the two boats were in ſight, but had turned to go down the ſtream; I mean Mr. Wright's boat and our other boat; it detained me the ſpace of a minute to get this bag in; in that time they had got a conſiderable diſtance, ſo much ſo, that I could not diſtinguiſh one boat from the other; I perceived there were two; I ſoon after perceived one rowing cloſe in upon the ſouth ſhore, and the other following; I then rowed in for the ſhore, ſhaping my courſe a little a-head of her, that I might keep her off, and rowed up along-ſide of her, one of the watermen hooked her with his boat-hook, and held her; I deſired Mr. Wright to come out of that boat, and come into mine, that he muſt go with me to the Marine Police-office, there to give an account of his conduct, upon which he refuſed to come; I told him I was in the execution of my office, and it was my buſineſs to take him; he would not come into my boat; I told him it was of very little conſequence, and I got into his, and took one of my men to row; I ſat down in her ſtern, but he would not let my man row; he ſaid, he would take one oar, and his man ſhould row us where we pleaſed; I told him that would not do, if he would not go into my boat, or let my man row, I muſt take him by force; I then took hold of him by the collar, and, by the aſſiſtance of my men, I took him by force into my boat, and we took him to the Marine Police-office, juſt by Wapping New-ſtairs.

Q. Is Mr. Wright one of the priſoners?—*A.* Yes.

Q. On which ſide of the river was it?—*A.* The Middleſex ſide.

Q. Have you any doubt that the coffee which you picked up in the river came from the boat in which Mr. Wright was?—*A.* Certainly, I have no doubt at all; I ſuffered him to depart that night, in conſequence of the man at the office ſaying he was a man of property and reſpectability, and he would anſwer for his returning in the morning.

Q. What

Q. What became of the man and boy?—*A.* The boy I left in charge of the office-keeper, and the man I put in Wapping watch-houſe till the next morning.

Croſs-examined by Mr. Serjeant Shepherd. Q. You are a ſurveyor of the Marine Police-office?—*A.* Yes.

Q. That is to ſay, you are one of the officers employed by the Juſtices?—*A.* I am.

Q. Did you know Mr. Wright before?—*A.* I did not.

Q. Upon Mr. Wright's boat ſeeing you, they tried to evade you?—*A.* As it appeared to me.

Q. How long have you been ſurveyor of the Marine Police-office?—*A.* Two months, or ſomething better.

Q. What was your employment before?—*A.* I had been a wine-merchant.

Q. Were you ever employed by the Cuſtoms or Exciſe?—*A.* Yes, by the Exciſe.

Q. How long had you been employed by the Exciſe?—*A.* Five years.

Q. On the Thames?—*A.* No, on ſhore.

Q. When Mr. Wright was taken at laſt, and the boat was ſtopped, you let him go, upon his promiſe to return in the morning?—*A.* Yes; I underſtood he was a coal-merchant.

Q. He did come the next morning?—*A.* Yes, he came between eleven and twelve o'clock to the Police-office.

Q. Did he give you his addreſs that night?—*A.* He did; he left a card with me.

Q. The next morning he came to his appointment?—*A.* Yes.

Q. The card was a true repreſentation of his addreſs?—*A.* I believe it was.

Q. As you have been in the employment of the Exciſe, I dare ſay you can tell us this coffee, wherever it came from, was in the berry, was it not?—*A.* Yes, it was raw coffee.

Q. Of courſe being found in that ſituation, it was liable to be condemned, you know?—*A.* It was undoubtedly, as contraband goods.

Q. I dare ſay you know too, that the perſon upon whom that ſpecies of property is found, is liable to a penalty of treble the value of the goods, and his boat liable to forfeiture?—*A.* Undoubtedly.

Q. Upon that part of the river Thames, I take it no ſmuggling ever goes on?—*A.* It would be abſurd in me to ſuppoſe it did not.

Q. Is it not common?—*A.* It is.

Q. I take it for granted, that as one of the officers of the Police, and having been in the ſervice of the Exciſe, you ſhould feel it your duty to ſtop ſmuggling, as well as any thing elſe?—*A.* No, at preſent I have no authority to interfere.

Q. You have no authority, perhaps, to put in force the Bum-boat Act?—*A.* I think I have.

Q. You ſay Mr. Wright came the next day to the Magiſtrate?—*A* Yes.

Q. And offered himſelf to the Magiſtrate as the perſon that had been taken the night before?—*A.* Yes.

JOHN ARNOTT *ſworn.—Examined by Mr. Jackſon.* I am one of the ſurveyors of the Marine Police-office: I was on duty on the 30th of Auguſt; we were dropping down the river upon the watch with Mr. Gottey.

Q. What were the hours aſſigned you that night?—*A.* From ten at night till five in the morning.

Q. Be ſo good as deſcribe what took place?—*A.* A little after eleven, as near as I can gueſs, we were lying under the ſhade of the houſe, when we ſaw a boat coming up, and as ſoon as he perceived us, he rowed directly towards the ſouth ſide.

Q. She was coming to weſtward at firſt, and then changed her courſe to the ſouth?—*A.* Yes.

Q. Did they appear to do that to avoid you?—*A.* They certainly did; I made my people pull as hard as they poſſibly could pull up the river; they turned upon me very quick, and turned down the river; I pulled as hard as I could, and then ſhe turned again; I found it impoſſible to catch her, and Mr. Gottey, my brother officer, got ſight of them paſſing a ſhip, and cut her off ſhort, and I continued in full purſuit of her at the ſame time; in a very ſhort time he cut them off, and ran them on ſhore; in one or two minutes after I came up, and we took poſſeſſion of Mr. Wright; he made ſome reſiſtance, by laying hold of my coat; Mr. Gottey wanted to put him into our boat, and he would not go; then we forced him into our boat; I was perfectly well armed, and I thought of giving him a cut or two, but I thought it would have been cowardly if I had; I took poſſeſſion of his boat.

Q. Was there any kind of cargo on board the boat when you took poſſeſſion of it?—*A.* No, there was not.

Q. Did you make any obſervations on the bottom of the boat?—*A.* No, I did not.

Q. You ſay captain Gottey's boat kept much nearer to her than you could?—*A.* Yes.

Q. Was there any other boat than this in which Mr. Wright was, and captain Gottey's boat, near to each other at the time?—*A.* None, I ſaw no other boat.

Q. Did you happen to ſee any thing thrown overboard?—*A.* No; I perceived nothing thrown overboard.

Q. Did you ſee any thing taken out of the water?—*A.* No; Mr. Gottey had taken up a bag before I came up.

Q. Did you know the contents of the bag?—*A.* I did afterwards, I examined it, and found it was coffee, I only felt it, I did not open the bag.

Q. Was it wet or dry?—*A.* It was wettiſh.

Q. Was

Q. Was it opened in your preſence ?—*A.* Yes, at the Police-office ; it contained coffee, but I did not take particular notice whether it was raw or roaſted, but I believe it was raw.

Croſs-examined by Mr. Conſt. Q. You did not know Mr. Wright before ?—*A.* No.

JOSEPH SOAME *ſworn.—Examined by Mr. Knowlys.* Q. Were you preſent when Wright and his boat were taken ?—*A.* Yes, I belonged to Mr. Gottey's boat on Thurſday night, we ſaw a boat, we went after them, and they ran away ; our boat went on one ſide a ſhip, and our other boat on the other, and then we ſaw a bag floating upon the water, which turned out to be a bag of coffee.

Q. When you had got poſſeſſion of Mr. Wright's boat, did you obſerve any thing particular in the boat ?—*A.* No, I did not.

Q. Wright's boy and the waterman were ſecured ?—*A.* Yes.

Q. Were there any other boats ?—*A.* None, but Mr. Wright's boat and our two boats.

Croſs-examined by Mr. Serjeant Shepherd. Q. After you had taken Mr. Wright, he gave you his direction, and you let him go ?—*A.* Yes, when we brought him to the office.

Mr. Knowlys. Q. At that time did you know where this coffee had been taken from ?—*A.* No.

JOHN RAVIS *ſworn.—Examined by Mr. Knowlys.* Q. What age are you ?—*A.* Fifteen years and four months ; I am an apprentice to Mr. Samuel Wright, who is a lighterman and coal-dealer at the head of Limekiln-dock, Limehouſe.

Q. On this ſide the river ?—*A.* Yes.

Q. Were you with him on the Thurſday night when his boat was taken ?—*A.* Yes.

Q. What time did you go into the boat ?—*A.* Between ten and eleven.

Q. Where did you go from ?—*A.* From Limehouſe-hole.

Q. Who went with you in the boat ?—*A.* My maſter, and Campion, and me, we rowed to a ſhip called the Three Siſters.

Q. How do you know it was the Three Siſters ?—*A.* I ſaw the name on the ſtern of the ſhip, ſhe was in the upper tier in Limehouſe-hole, oppoſite the ſtairs.

Q. Is that on this ſide the river ?—*A.* Yes.

Q. Did you know before that where the Three Siſters lay ?—*A.* Yes, I had been often by that way with our ſkiff. When we got to the Three Siſters, there were five bags let down by a rope into a lighter that was lying along-ſide the ſhip, then they were put into Mr. Wright's ſkiff ; Mr. Wright was then on the lighter, I was in the ſtern of the lighter, and Campion in the ſkiff ; Mr. Wright took the bags, and carried them along the lighter to the ſkiff.

Q. By Mr. Wright, do you mean your maſter, the gentleman at the bar ?—*A.* Yes.

Q. Were the bags nearly of a ſize ?—*A.* As near as could be ; then we rowed up the river, I did not know where we were going to ; as we were going up, we met two boats, and then we rowed away from them.

Q. Why did you row away from them ?—*A.* I cannot tell ; Mr. Wright and the man rowed round a veſſel, and the two boats were purſuing after us, and then Mr. Wright threw the bags overboard.

Q. Were all the bags ſunk ?—*A.* I do not know ; the boats then purſued us, and one of them ran almoſt over us ; then they took Mr. Wright out of the boat, and took Campion and me to the office at Wapping New-ſtairs, and I was kept there all night.

Q. Were you to have any ſhare of this coffee ?—*A.* No, not that I know of.

Croſs-examined by Mr. Serjeant Shepherd. Q. You did not know theſe perſons that rowed after you before ?—*A.* No.

Q. When they took your maſter, and you, and Campion, to the office, your maſter told who he was ?—*A.* Yes.

Q. And he gave one of his cards ?—*A.* Yes.

Q. And upon his telling them he would come again the next morning, they let him go ?—*A.* Yes.

Q. Were you examined before any body elſe came the next morning ?—*A.* Yes.

Q. You did not know where you were to take this coffee to ?—*A.* No.

——— CAMPION *ſworn.—Examined by Mr. Pooley.*—I am a waterman, I know Mr. Wright : On Thurſday night, the 30th of July, I met him in Limehouſe, and he aſked me if I would be in the way to go with him at ten o'clock, and we went on board a ſhip in the river, and got five bags out of the ſhip, and we were purſued by two boats, I ſaw them firſt ; Mr. Wright then deſired me to pull round a veſſel that lay in the middle of the river, then Mr. Wright threw the bags overboard.

Q. What is the name of the ſhip where the bags were taken from ?—*A.* I cannot ſay that, ſhe was lying in Limehouſe-hole.

Q. Where were you rowing when you ſaw the boats ?—*A.* Up the river.

Q. Did you change your courſe before you told Mr. Wright that theſe boats were coming ?—*A.* No.

Q. Where were you that night ?—*A.* In the watch-houſe.

Croſs-examined by Mr. Conſt. Q. When you ſaw the boats, you tried to avoid them ?—*A.* Yes.

Q. Have you known Mr. Wright ſome time ?—*A.* Yes.

Q. Did not you know, or at leaſt were not you ſatisfied, that you were going to get ſome ſmuggled goods ?—

goods?—*A.* I cannot ſay, I never aſked any queſtions about that; it might be ſo, or it might not.

Q. You would not have gone with him, if you had known they were going to ſteal any thing?—*A.* No, not if I knew it.

DANIEL LEMON *ſworn.—Examined by Mr. Jackſon.* I am mate of the Three Siſters.

Q. Do you know who are the owners of the ſhip?—*A.* Yes; Meſſrs. Camden, Calvert and King; the captain's name is William Ellotſon.

Q. Do you know the priſoners at the bar?—*A.* Yes; they were ſtationed on board the Three Siſters, on the 30th of Auguſt; William Hewlings was a Cuſtom-houſe book-keeper, Joſiah Oliver was an Exciſeman, and Bearblock was an Exciſeman; Oliver had been on board from Monday, the 27th; Bearblock had been ſtationed from the time the ſhip came in, which was, I believe, better than ten days; Hewlings had been on board much the ſame time.

Q. Where did the Three Siſters lay at this time?—*A.* At Limehouſe.

Q. Have you had any converſation at any time with Hewlings, reſpecting any part of the cargo?—*A.* Yes, eight or ten days before the 30th of Auguſt; having in my mind no evil deſign, I was ſpeaking of my ſmall income; on being accoſted by Hewlings one evening, on deck, he told me, I might as well have a few ſhillings as not, becauſe he ſaid, it was a cuſtomary rule for officers and mates, in ſuch caſes; and that he would find a cuſtomer for a few *beans*, meaning coffee, and a little *ſand*, meaning ſugar, which he expreſſed three or four times over; he likewiſe told me, he had been mentioning it to the ſteward, and that he was agreeable to it; I told him, it was a dangerous circumſtance, and I did not wiſh to be concerned in it; he told me, there was no fear, for he would find one who would take it away without diſcovery; upon ſaying ſo, and feeling a preſſure upon me from the wants of my family, I was ſo fooliſh as to conſent to it; the Cuſtom-houſe and Exciſe-officers were to have a ſmall quantity of coffee out of a number of bags, to prevent a diſcovery, that it might not be miſſed.

Q. What was the ſhip loaded with?—*A.* Coffee and ſugar.

Q. Have you any idea how many bags you had on board at that time?—*A.* I ſuppoſe there were about ſeven hundred and fourteen or ſixteen bags at that time.

Q. What ſize were the bags?—*A.* Different ſizes.

Q. Who were the officers that were to take theſe ſmall quantities out of the bags?—*A.* Hewlings and Bearblock, and one Dowling, a man who has abſconded; Oliver was not on board at that time; and in a day or two after, they ſet to work.

Q. Who was it ſet to work?—*A.* I ſaw all the Cuſtom-houſe officers and the ſteward on deck, and Dowling, an officer of an adjoining ſhip.

Q. When did you firſt ſee Mr. Wright on board?—*A.* One evening I ſaw Mr. Wright on deck, ſpeaking to Hewlings, and in conſequence of that, Mr. Wright told me, if I had any private venture, he would take it ſafe on ſhore for me, and ſend it ſafe to my houſe.

Q. How long was that before Thurſday, the 30th?—*A.* I think it was the Monday night or Tueſday night.

Q. What did you ſay in anſwer to him?—*A.* I made him very little reply, becauſe I did not know the man; I ſaid, I had nothing at preſent. I ſaw him ſeveral times afterwards, ſpeaking with Hewlings and Oliver, but I did not know what paſſed between them. It was agreed between me and Hewlings, and Oliver and Dowling, that I ſhould walk the quarter-deck while they were in the hold. A few days before, Hewlings told me, there was a mate wanted thirty pounds of coffee, but I had no ſhare of that, nor the ſteward.

Q. State any thing that paſſed between you and them reſpecting the tranſaction of Thurſday, the 30th of Auguſt?—*A.* There was no converſation paſſed more than that; there were four or five bags filled with coffee, and carried away, I did not ſee them filled; I was on deck while Oliver, Dowling, and the ſteward, were in the hold; I ſaw four or five bags brought out of the hold, Hewlings aſſiſted Dowling in hauling them up, and Oliver handed them up; then they were handed into Mr. Wright's boat, Mr. Wright received them; I handed one of them in myſelf, and Oliver and Dowling aſſiſted; Bearblock was on the quarter-deck, that he might give notice of any Revenue-boats coming.

Q. Could Bearblock be on deck without ſeeing theſe bags lowered over?—*A.* No, I do not think he could.

Q. Who received them from the ſhip's ſide?—*A.* Mr. Wright; I ſaw him hand them along the lighter into the boat.

Q. Are you ſure it was Mr. Wright, the priſoner?—*A.* Yes.

Q. How many bags did you ſee ſlung over the ſhip, and received by Mr. Wright?—*A.* Either four or five, I am not certain which; I am ſure of four, I ſaw the ſkiff put off with them.

Q. Who was in the boat beſides Mr. Wright?—*A.* There were two others, but I could not ſee who they were.

Q. Have you at any time received, from either of the priſoners, any money on account of the tranſaction of the 30th?—*A.* None.

Q. Have you had any converſation reſpecting any money for that tranſaction?—*A.* No. Oliver told me that Mr. Wright was purſued by the Police-

lice-boats, and taken; but that he was ſet at liberty, and his two people kept in cuſtody.

Q. Was Bearblock near enough to hear that converſation?—*A.* No. I told him, I ſhould not permit any more ſuch practices.

Croſs-examined by Mr. Fielding. Q. You were mate of this ſhip?—*A.* Yes.

Q. Has the cargo of this ſhip been delivered?—*A.* I underſtand it has; I was not from on board till it was all delivered.

Q. Were you acquainted with the bill of lading, what quantity was ſhipped on board?—*A.* I know what account I took myſelf of the taking of it in, there were ſeven hundred and fourteen or ſixteen bags.

Q. Has it come to your knowledge what quantity has been delivered to the owners?—*A.* No.

Q. Was it the cuſtom of the captain of this ſhip to lie on ſhore, when the ſhip was in the river?—*A.* Sometimes he did, and ſometimes not.

Q. He was not conſtantly on board?—*A.* No.

Q. When he was out of the ſhip, of courſe, the care of that ſhip remained with you?—*A.* Yes.

Q. You, as the commanding officer, had the cuſtody of the cargo, and the care of the ſhip?—*A.* Yes.

Q. There were ſeveral tranſactions, before your morality gave way, upon theſe occaſions, and you had parted with ſome of this coffee before?—*A.* Yes.

Q. And you had ſome money before, though none on the 30th?—*A.* Yes.

Q. Who were upon the deck, the night of the 30th—the ſteward did not come out of the hold, did he?—*A.* He was upon deck, I believe, I am certain he was out of the hold.

Q. You yourſelf carried one of the bags, and lowered it into the lighter?—*A.* Yes.

Q. The ſteward and you were both upon deck, helping to carry theſe bags?—*A.* I do not know that he helped, he was there.

Q. You both took a part in this tranſaction?—*A.* Yes.

Q. You had no converſation with the people in the boat?—*A.* No.

Q. Mr. Wright did not ſpeak to you?—*A.* No.

Q. Nor the people with him?—*A.* No.

Q. Mr. Wright was in the lighter, and whatever was handed over the ſide, was received by him?—*A.* Yes.

Q. Mr. Wright it was that aſked you if you had any private venture to diſpoſe of?—*A.* Yes, before that.

Q. Dowling had a good deal to do with it?—*A.* Yes; he was the principal man that introduced Mr. Wright firſt.

Q. How ſoon did you perceive any thing going on that reſpected the 30th of Auguſt?—*A.* Dowling went away that night, after Mr. Wright was gone on ſhore with the coffee.

Q. You did not hear any more of him?—*A.* No.

Croſs-examined by Mr. Serjeant Shepherd. Q. You never had but one converſation with Mr. Wright?—*A.* Yes, twice.

Q. He told you, if you had any private adventure, he would take care of it?—*A.* Yes.

Q. Upon your oath, when he talked of a private adventure, was he not uſing the common language that is uſed, when men talk of ſmuggling tranſactions on the river Thames?—*A.* Yes; but I had nothing to ſmuggle.

Q. How long have you been in the Weſt-India trade?—*A.* Fifteen or ſixteen years.

Q. Were you always a mate?—*A.* No.

Q. Perhaps you have riſen to be mate from lower ſituations?—*A.* Yes.

Q. Were you never any thing higher than a mate?—*A.* Yes, I have been maſter of the Granby.

Q. How came you to ceaſe to be maſter?—*A.* She had been ſold out of the trade; I had been mate of her.

Q. Upon your oath, do you mean to ſay, that that is the only reaſon why you ceaſed to be maſter?—*A.* Yes.

Q. Have you never had any diſpute about your accounts?—*A.* Yes.

Q. What became of the mate of that ſhip?—*A.* The mate and I had ſome diſpute, and he entered on board a man of war, at Limerick.

Q. Where was it that he was preſſed?—*A.* He entered.

Q. Do you remember a charge of 300l. for ſlaves employed in the Weſt-Indies?—*A.* Not 300l. I believe there was 150l. of Jamaica currency.

Q. It was more than that you charged for forty ſlaves, you know?—*A.* I think it was 150l.

Q. How came that not to be paid you by the owners?—*A.* I cannot ſay; the mate and I had ſome diſpute, and he thought that I had put down more perſons than were employed.

Q. Upon your oath, do you mean to ſay that that man was not preſſed before he entered?—*A.* Yes; at leaſt he told me ſo.

Q. Upon your oath, was he not taken by a preſs-gang, before he entered?—*A.* No, not as I know of.

Q. Do you remember his going aſhore at Limerick?—*A.* He went on ſhore, and left the ſhip.

Q. Did you enquire for him before you left Limerick?—*A.* I ſaw him in Limerick, upon the quay.

Q. After he had entered?—*A.* Yes; he told me he had entered.

Q. Upon your oath, do not you know that he was preſſed?—*A.* He was not preſſed that I know of.

Q. Your owners did not allow that 150l.?—*A.* I do not know how much they allowed, it was left to arbitration.

Q. How

Q. How much was allowed you for that?—*A.* I am not certain, I have not got the account.

Q. Was it not 30l.?—*A.* It was more than that.

Q. And in conſequence of that, were you not diſmiſſed from the ſhip?—*A.* I never was told that I was.

Q. And you had no idea that you were diſcharged from being maſter of that ſhip, becauſe your accounts were incorrect?—*A.* Never, that I know of.

Q. Did you ſend any private adventure on ſhore with Mr. Wright?—*A.* Yes; he took a bag of coffee on ſhore for me on Tueſday evening.

Q. Look at that paper, whoſe writing is that?—*A.* It is mine; I gave it him with that bag.

Q. I take it for granted, as you had no evil deſign, of courſe, this is the only tranſaction of the ſort that you have had, this trip?—*A.* Nor ever any other trip.

Q. You never offered any coffee to ſell, as your own, to any body elſe?—*A.* Not to ſell, that I know of.

Q. You muſt know whether you ever offered coffee to any body elſe to ſell, as your own?—*A.* There was a gentleman, one Mr. Taylor, who was on board of the ſhip one evening; when he came in, I told him, perhaps, before the ſhip was out, I might be able to give him a little for ſea ſtock, which I meant to get out of the cabin, that was my own.

Q. That was the only perſon, was it?—*A.* I do not recollect any more.

Q. Do you know a perſon of the name of Cooke?—*A.* Yes, I do.

Q. Do you recollect his coming on board?—*A.* Yes.

Q. Where was that?—*A.* At Woolwich.

Q. Before any of theſe people were on board?—*A.* No.

Q. Do you remember aſking him how things went on in London?—*A.* I told him, I had a little rum of my own, which I had got from the captain, and that, perhaps, as I had heard that it was cuſtomary for the mates to have the ſweepings, I might have a little coffee for him.

Q. Did you aſk him what price?—*A.* Yes. He told me, he did not know, but he would find a cuſtomer for it.

Q. You did not tell him it was to be ſtolen coffee?—*A.* No.

Q. Did not you mean it was to be ſmuggled coffee?—*A.* I conſidered it as my perquiſite.

Q. Do you know how much ſweepings of coffee there was on board this ſhip?—*A.* No, I cannot ſay, becauſe I was not on board when ſhe was delivered.

Mr. Jackſon. Q. The ſweepings of the hold can never be aſcertained till the cargo is delivered?—*A.* No.

Q. And thoſe ſweepings, you told Cooke, you ſhould have as a perquiſite?—*A.* Yes.

Mr. Serjeant Shepherd. Q. I believe the mates on board theſe ſhips, give a bond, that no loſs ſhall happen by ſmuggling?—*A.* The owners give it, I ſuppoſe, I did not.

Q. Did you ever read your ſhip's articles?—*A.* Yes.

Q. Is it not one of the conditions, that you ſhall forfeit your wages, in caſe of your ſmuggling, or any other of the officers?—*A.* Yes, in ſome caſes.

Q. Is it not in all caſes, upon your oath?—*A.* I cannot be certain of that.

Q. How many different articles have you ſigned in the courſe of your life?—*A.* I cannot ſay; I have been a great many voyages.

Q. How often have you been mate?—*A.* Five or ſix voyages.

Q. How often have you been maſter?—*A.* Only one voyage.

Mr. Jackſon. Q. This diſputed article of 300l. with your former owner, I think you have ſtated at 150l. Jamaica, how much ſterling is that?—*A.* About 100l. I believe.

Q. You ſay, you received money at different times?—*A.* Yes; I received from Hewlings, 3l.; from Oliver, 4l. 19s.; from Dowling, 2l.; and from Hewlings, another time, 2l.

Court. Q. Upon what account?—*A.* For eighty pounds of raw coffee, taken out of the cargo.

Q. Did they tell you ſo?—*A.* Yes.

Q. It is frequent for the petty-officers to have ſome ſmall adventure of their own?—*A.* Yes.

Q. Where was that kept?—*A.* We had very little private adventure in our ſhip.

Q. Was the cargo of your ſhip put in the hold?—*A.* Yes.

Q. Was there any private adventure mixed with it at all?—*A.* There was none that I know of.

Q. And it is your buſineſs to know that?—*A.* Yes.

Mr. Jackſon. Q. Upon what account did Oliver ſay that he paid you the money?—*A.* For the ſecond delivery to Mr. Wright, including a hundred weight carried on board the adjoining ſhip by Dowling.

Q. On the Monday night, what was your anſwer to Mr. Wright, who offered to take on ſhore your private adventure?—*A.* I ſaid, I was not certain whether I ſhould, but I did ſend it afterwards.

LAWRENCE EARING *ſworn.—Examined by Mr. Knowlys.* I am ſteward on board the Three Siſters: The priſoner, Hewlings, was a Cuſtom-houſe book-keeper, Bearblock and Oliver were Exciſe-officers.

Q. Had you any converſation with Hewlings about the cargo of the ſhip?—*A.* He told me, I might

might as well have a few ſhillings as not, by a few *beans* and a little *ſand*.

Q. What did he explain to you was the meaning of beans and ſand?—*A*. Coffee and ſugar; I told him to aſk the mate; I was not preſent when he ſpoke to the mate about it.

Q. When did you ſee Mr. Wright firſt?—*A*. Not till he was brought to the Police-office on Thurſday evening, about eight o'clock; Oliver aſked me for a light, he ſaid, he was going below to ſearch if the lumpers had concealed any thing; the mate then ſaid, I muſt aſſiſt in filling ſome bags with coffee; I and Oliver, and Dowling, filled four bags with coffee, the bags of the cargo were cut open, and about ten or eleven pounds taken out of each bag; then they were handed upon deck, Joſiah Oliver handed them up, and the man who ran away received them; Hewlings and Bearblock were then upon the quarter-deck.

Q. Was that their ſtation at that time for the watch?—*A*. Yes.

Q. Did you get out of the hold and ſee where they were handed to?—*A*. They were handed upon deck, and I went up, and they were handed, by the mate and the man that run away, over the ſide, into an empty lighter; I was then upon the main deck.

Q. But could perſons who were upon the quarter deck, upon the watch, have obſerved this?—*A*. They could.

Q. Did you ſee if any body was attending to take care of them when they were handed from the ſhip?—*A*. No.

Q. About what quantity do you ſuppoſe theſe bags might hold?—*A*. About a hundred weight.

Croſs-examined by Mr. Knapp. Q. So Dowling has run away?—*A*. Yes.

Q. He was the man that handed them up?—*A*. Yes.

Q. And brought the bags?—*A*. Yes.

Q. Bearblock and Hewlings were upon the quarter-deck when their duty called them?—*A*. Yes.

Q. If this had not been going on that would have been their proper place?—*A*. Yes.

Q. My friend has aſked you if any body upon the quarter-deck could have ſeen this—will you undertake to ſwear that they did?—*A*. No.

Q. In what ſituation were you on board?—*A*. Captain's ſteward.

Q. You have read the ſhip's articles I dare ſay?—*A*. No.

Q. Nor ever ſigned them?—*A*. Yes.

Q. Do you ſign articles that are to be binding upon you without reading them?—*A*. Yes.

Q. Perhaps they were read to you?—*A*. Yes; I underſtood that I was to proceed on the voyage.

Q. You did not hear that you were to be particularly bound againſt ſmuggling on board your ſhip?—*A*. No.

Q. Then they did not read all the ſhip's articles to you?—*A*. No.

Q. They only read one part; you were content, and put your hand to them?—*A*. Yes.

Q. How long had you been on board this veſſel?—*A*. A twelvemonth.

Q. In the whole courſe of the time you were on board your ſhip, did you never hear of any private adventure?—*A*. Yes.

Q. Then, perhaps, you may recollect yourſelf a little better, and tell me if there has not been ſmuggling on board this ſhip?—*A*. No.

Q. No run goods on board?—*A*. Not that I ever ſaw.

Q. I have heard of ſuch a thing as a man turning his back upon it, and then he did not ſee it?—*A*. I do not know any thing of that.

Q. Immediately upon your being taken up you gave this account?—*A*. Yes.

Q. Do you mean to ſay, that at the firſt examination, before the Magiſtrate, you gave the ſame account that you have been giving to day?—*A*. Yes.

Q. Upon your oath, was it not the third examination before you gave this account?—*A*. Yes.

Q. Were not you committed for trial for ſtealing theſe goods?—*A*. Yes.

Q. Now I aſk you how you can reconcile it, when you firſt told me you gave this account immediately that you were taken into cuſtody, and yet you were committed for trial?—

The witneſs made no anſwer.

Mr. Knowlys. Q. Is ripping the bags and taking the coffee out of the cargo ſmuggling?—*A*. No.

Mr. Knapp. Q. What ſort of bags were theſe?—*A*. Four of them were blue, and one was white.

—— PERRY *ſworn.—Examined by Mr. Knowlys.* I am a Police office. *(Produces the bag of coffee).*

Q. Is that in the ſame ſtate in which you received it from Gottey?—*A*. Yes.

Q. What does it contain?—*A*. Raw coffee.

Gottey. This is the ſame bag.

Perry. I apprehended all the priſoners except Mr. Wright, on the 31ſt of Auguſt, about five in the afternoon, on board the Three Siſters; when I laid hold of Hewlings, he ſaid, d—n me, they can but hang me, and I will not ſplit againſt any body.

Q. Had you told Hewlings what you apprehended him for?—*A*. Yes.

Q. What does ſplitting mean?—*A*. Telling of any body.

—— ALLEN *ſworn.—Examined by Mr. Knowlys.*

Q. You are converſant with the Weſt India Trade?—*A*. Yes.

Q. What is the value of the coffee excluſive of the duty?—*A*. At the loweſt rate, about ſix pounds fifteen ſhillings per hundred, *(looks at the coffee)*; this is worth more than ſix pounds fifteen, excluſive of duty.

Mr.

Mr. Serjeant Shepherd. Q. You do not know the price of it at Demarara?—*A.* No.

THOMAS HILL *ſworn.—Examined by Mr. Pooley.* I am a Surveyor of the Exciſe: I have ſeen Bearblock and Oliver on board the Three Siſters, at Limehouſe-hole; I was there on the 31ſt of Auguſt, between twelve and two in the morning, I then ſaw Oliver on board; I did not ſee Bearblock, it was not his watch, it was Oliver's watch.

Capt. WILLIAM ELLOTSON *ſworn.—Examined by Mr. Jackſon.* I am captain of the Three Siſters, the owners are Anthony Calvert and Thomas King; Mr. Camden's Chriſtian name I do not know, he has been dead ſome time; three of the priſoners were ſtationed on board the ſhip as Revenue officers.

Q. What quantity of coffee remained at the Cuſtom-houſe?—*A.* Seven hundred and fourteen bags.

Q. Was the weight reported?—*A.* No.

Q. Do you know any thing at all of the weight?—*A.* No; there were four bags, ſweepings.

Court. Q. When any body on board has a private adventure where is it ſtowed?—*A.* It ought to be ſtowed in the ſteerage.

Court. Q. It is never regularly ſtowed in the hold?—*A.* No, never; if I had any private property myſelf, it ſhould be ſtowed in the ſteerage.

ANTHONY CALVERT *ſworn.—Examined by Mr. Knowlys.* I am one of the owners of the Three Siſters; the other owners are Thomas King, and Mr. Camden, who is dead, but we continue his name in the firm; Mr. George Lear, and myſelf and Mr. King, are the executors of Mr. Camden.

Court. Q. So you and Mr. King are owners in your own right; and you, Mr. King, and Mr. Lear, are owners as the repreſentatives of Mr. Camden?—*A.* Yes.

Wright's defence. I underſtood this buſineſs not to be ſtolen property; I underſtood it was ſmuggled, and I paid for it. In order to ſave themſelves from the manifeſt act, they would ſwear our lives away.

Hewlings's defence. I never was in the hold, nor ſaw any part of the cargo but what was brought up and delivered.

Oliver's defence. I have done my duty as an officer, and that is all; I never ſaw any thing of the kind.

Bearblock's defence. My eyes are ſo bad that I cannot ſee two yards before me in the night time; I have always obeyed my ſuperior officers' orders, and that is all I have ever done on board.

For the Priſoners.

SAMUEL COOKE *ſworn.*—I live at Stone-ſtairs, Wapping, I keep a public-houſe.

Q. Do you remember going on board the Three Siſters upon her arrival at Woolwich?—*A.* Yes, on the 17th of Auguſt, between eleven and twelve o'clock; I was going down after the Catherine, to aſſiſt in getting the ſhip up; in paſſing the Three Siſters, I aſked if they had ſeen any thing of her; they ſaid they had not, that ſhe muſt be a-ſtern; the pilot looked over the ſtern and aſked if it was Mr. Cooke; I ſaid, yes; and he invited me on board, and I had ſome grog.

Q. Did you ſee the mate?—*A.* Yes, in the cabin; the mate aſked the price of coffee in London; I told him I did not know, as it was a thing I never had dealt in; he ſaid, cannot you help me to a cuſtomer; I ſaid, it was ſo notorious that I could not; I aſked him how much he had got; and he ſaid, ſeven or eight hundred weight.

Q. Are you ſure he told you he had ſeven or eight hundred weight of his own coffee?—*A.* Yes; and he ſaid he had got ſome rum, but he did not offer me that.

Croſs-examined by Mr. Knowlys. Q. This was as far back as the 17th of Auguſt?—*A.* Yes, or thereabouts.

Q. Was it eleven or twelve at night?—*A.* No, in the forenoon.

GEORGE GOODACRE *ſworn.—Examined by Mr. Serjeant Shepherd.* Q. Do you know Lemon?—*A.* Yes; I met him at the Horns public-houſe, near Limehouſe, on or about the 20th of Auguſt, he offered me ſome coffee for ſale; he ſaid he had ſeveral bags, his own property; he aſked me ten-pence a pound for it; I never had bought any but what had been burnt before, and therefore I did not chuſe to venture.

Q. Did he ſay what quantity he had?—*A.* No; he ſaid ſeveral bags.

The priſoner Wright called fifteen, Hewlings two, Oliver two, and Bearblock three witneſſes, who gave them a good character.

Wright, NOT GUILTY.
Hewlings, GUILTY Death. (Aged 50.)
Oliver, GUILTY Death. (Aged 32.)
Bearblock, NOT GUILTY.

Tried by the ſecond Middleſex Jury, before
The LORD CHIEF BARON.

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539. JOHN MILES was indicted, for that he, on the 19th of July, being in the dwelling-houſe of Stephen Eſtwick Robinſon, four ſheets, value 21s. two cotton counterpanes, value 8s. a half-teſter blue and white bed furniture, value 40s. a pair of blankets, value 12d. three linen ſheets, value 3s. three aprons, value 3s. a flannel petticoat, value 12d. a linen table-cloth, value 1s. 6d. two white muſlin neck handkerchiefs, value 2s. the property of Mary Lane; a black ſilk cloak, value 2s. a black gauze cloak, value 12d. two bed-gowns, value 2s. a black ſtuff gown, value 2s. two linen aprons, value 3s. a cotton neck handkerchief, value 12d. a linen ſhift value 1s. 6d. a muſlin cap, value 12d. a huſſif, value 1d. a wooden box, value 1d. and twelve ſhillings and

ſixpence

ſixpence in monies numbered, the property of Ann Reynolds, ſpinſter, in the ſaid dwelling-houſe, feloniouſly did take, and afterwards, about the hour of one in the night, the ſame dwelling-houſe did break and get therefrom, and the ſame goods burglariouſly did ſteal.

MARY LANE *ſworn.*—I live in Redcroſs-ſtreet, and ſometimes at Hampſtead, it is my ſon's houſe, Stephen Eſtwick Robinſon; I loſt the property mentioned in the indictment on the 20th of July, *(repeats them)*; I was in town and had a ſervant there to take care of the houſe, her name is Ann Reynolds; the priſoner, Mills, got acquainted with her, and ſlept in the houſe with her.

Mr. Knapp. Q. You do not know any thing of that yourſelf?—*A.* No.

ANN REYNOLDS *ſworn.* I am ſervant to Mrs. Lane; the houſe was robbed of the furniture of a half teſter bed, and the other articles mentioned in the indictment, part of it was my own property. *(Repeats them.)*

Q. Do you know who took them?—*A.* I believe John Mills, the priſoner, I met with him on the 19th of July, I aſked him home to tea and ſupper, I knew him before; he went with me between four and five o'clock, and ſtaid till paſt eleven, and then I aſked him if he was not going home; he told me he would not go out of the houſe that night; he ſaid, if I would not go up ſtairs, he would carry me up; I went up ſtairs, and laid down on the bed and went to ſleep.

Q. Did he go up along with you?—*A.* Yes; I waked about three o'clock, or a little before, and he was gone.

Q. How long was it before you went to ſleep?—*A.* I do not know; I might go to ſleep directly.

Q. Did you undreſs and go to bed?—*A.* No, I did not undreſs.

Q. Did you ever find any of your property?—*A.* No, nothing but a ticket that I loſt out of my pocket; as ſoon as I waked I miſſed the property; I went down ſtairs, and found the parlour door faſtened inſide, to prevent my getting in, I had locked it the night before, and left the key in; I had faſtened all the doors when I went up; I went through a large room that I forgot there was a door in, and I was going to jump out at window; the parlour door going into the walk was left open, there are two doors to the parlour, one going into the walk, and the other into the paſſage.

Q. Are you ſure the door going into the walk was faſtened?—*A.* Yes, I barred it and locked it myſelf.

Q. And therefore muſt have been opened by ſomebody from the inſide?—*A.* Yes.

Q. Was there any body elſe in the houſe beſides you and the priſoner?—*A.* Not on that ſide of the houſe.

Q. Could the people on the other ſide of the houſe have acceſs to it?—*A.* Yes, they might.

Q. When had you ſeen the property before?—*A.* The ſame day, the 19th of July, I ſaw them all when he went into the houſe with me.

Q. And you miſſed it as ſoon as you went down ſtairs?—*A.* Yes.

Q. And you have found none ſince?—*A.* No, only the ticket that I have in my pocket.

Q. What was that ticket?—*A.* I was neceſſitated for a little money, and I had made uſe of ſomething.

Q. How did you find the ticket again?—*A.* It was ſent home to my miſtreſs.

Croſs-examined by Mr. Knapp. Q. This duplicate, which we have heard talked of, and you do not know from whom it came, was a duplicate of ſome property belonging to your miſtreſs?—*A.* Yes.

Q. That you had pawned before that time?—*A.* Yes; my miſtreſs told me if I had pawned any of her property ſhe would forgive me; I meant to replace it.

Q. You had never pawned before any articles?—*A.* Not belonging to my miſtreſs.

Q. Had you been in the habit of pawning your own things before?—*A.* Only once during an illneſs.

Q. How long have you known the priſoner?—*A.* About two months.

Q. He never before came in at your invitation to take a cup of tea and eat a bit of ſupper, and go up ſtairs together?—*A.* He was in the houſe once before for five minutes.

Q. You did not give him the trouble of taking you up ſtairs, did you?—*A.* No.

Q. And he ſtaid with you in your room from eleven at night till three in the morning?—*A.* Yes.

Q. The man, I dare ſay, did not go to bed?—*A.* Yes, he did.

Q. There were other perſons in this houſe, who might, if they had been ſo diſpoſed, have got at theſe things?—*A.* There were more gentlefolks.

Q. Have you not had other perſons in the houſe, that you have invited exactly in the ſame way?—*A.* Yes.

Q. How many, pray?—*A.* Not more than one.

Q. Only one at a time—Why, you are with child now, are you not?—*A.* Not that I know of.

Q. That is not true then?—*A.* I do not know that it is.

Q. Upon your oath do not you believe yourſelf with child now?—*A.* No.

Q. Have not you been before a Juſtice to ſwear?—*A.* I have got a child now.

Q. By another man?—*A.* Yes.

Q. Was he one of the gentlemen that you introduced to your miſtreſs's houſe in her abſence?—*A.* No; I did not live there then.

Court:

Court. (To Mrs. Lane). Q. You have never found any of your property again?—*A.* No, I had a duplicate ſent me in a letter, which he ſaid at Bow-ſtreet was his own hand-writing.

Mr. Knapp. Q. Was not what he ſaid at Bow-ſtreet taken down in writing?—*A.* I do not know.

Court. Q. Do you know the hand-writing of that letter?—*A.* He ſaid himſelf that he wrote it.

Mr. Knapp. Q. Did not ſhe tell you that ſhe had given this duplicate to the priſoner, to take the things out of pawn?—*A.* No.

JOHN ARMS *ſworn.*—I apprehended the priſoner, and took him before the Juſtice.

Q. Was any letter ſhewn him?—*A.* Mrs. Lane ſhewed the letter to the Magiſtrate, and he ſaid it was his.

Mr. Knapp. Q. Was it taken down in writing? *A.* Mr. Lavender was writing what he ſaid at the time.

Q. The priſoner was taken at his own mother's houſe, at Hampſtead?—*A.* Yes.

Q. How far from Mrs. Lane's houſe?—*A.* About a quarter of a mile; he heard that I had been making enquiries after him, and he ſaid, if I had not come to him, as ſoon as he had got his breakfaſt he ſhould have come to me.

Priſoner's defence. That young woman has been out with Mr. Arms, and at public-houſes in company with me at ten and eleven o'clock at night.

Arms. I have ſeen them together at twelve o'clock at night. NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice ASHHURST.

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540. ROBERT DOWLES and WILLIAM ATTERBURY were indicted, for that they, on the 2d of Auguſt, in the King's highway, in and upon Giovani Galli, did make an aſſault, putting him in fear, and taking from his perſon a purſe, value one farthing, twenty-one louis-d'ors, eighteen guineas, three dollars, a crown piece, and three ſhilling and nine pence, in monies numbered, the property of the ſaid Giovani Galli.

(The caſe was opened by Mr. Knowlys.)

GIOVANI GALLI *ſworn.—Examined by Mr. Knowlys.* I am an Italian, I get my living by ſelling pictures and looking-glaſſes about the country. I came to London in a returned poſt-chaiſe to Smithfield on the 2d of Auguſt, between four and five in the afternoon; I had twenty-one louis d'ors and eighteen guinea pieces, three Spaniſh dollars, and a French crown, and the reſt was ſilver, to make up two guineas, it was in my left hand waiſt-coat pocket in a purſe; I got out of the chaiſe, and had a little bundle upon a ſtick upon my right ſhoulder; I went from Smithfield to Long-lane; juſt before I got to Long-lane, a man knocked up my bundle, and then puſhed me rather forward; at the ſame time then another man came and clapped his hand upon my pocket, my hand was upon my pocket, and when the man knocked up my bundle, I let my hand go from my pocket to ſecure the bundle, and then the other man clapped his hand in my pocket; I tried to lay hold of his hand, and he had taken the purſe out of my pocket; I was in ſuch confuſion, that I could not cry out ſtop thief; I cried out, oh, oh, I had loſt my money; I immediately turned round, and ſaw one of the priſoners in the hand of Mr. Plattin.

Q. Were you able to perceive the faces of either of the priſoners, before you ſaw one of them in the cuſtody of Mr. Plattin?—*A.* No.

Q. Which of the priſoners was in the cuſtody of Mr Plattin?—*A.* The ſhort one, Dowles, he was ſecured, the other man eſcaped in a minute.

Q. Were you able at all to ſee the other, ſo as to know him again?—*A.* I cannot properly know him, becauſe I was then in ſuch confuſion.

Q. You have never recovered your money again?—*A.* No.

Q. Had you at all let go the pocket in which your money and your addreſs was, till your bundle was knocked up?—*A.* No; I am ſure I had it till then.

Croſs-examined by Mr. Alley. Q. You are a perſon that hawks different articles about the country?—*A.* Yes.

Q. Had you got your travelling box with you at this time?—*A.* No; it is not a box that I carry, but baſkets.

Q. What time of the evening was this?—*A.* Between four and five.

Q. I take it you were perfectly ſober at this time?—*A.* I was a little tipſey, but I knew what I was doing.

Q. What do you call a little tipſey?—*A.* I had been drinking a little too much.

Q. You were ſtaggering along the ſtreet with a bundle upon your ſtick, and the ſtick ſwinging in the face of Dowles?—*A.* No.

Q. Did he not ſay to you, pleaſe to walk a little ſteady, and not ſtrike your ſtick in people's faces?—*A.* No, I did not hear that.

Q. Do you mean to ſay, that if he did ſay that, you muſt have heard it?—*A.* If I did hear it, I would recollect.

Q. Do you recollect ſeeing two or three girls paſſing by at the time this misfortune happened to you?—*A.* No.

Q. You went to Guildhall?—*A.* Yes.

Q. Do you remember meeting a girl of the name of Sarah Howton?—*A.* There was a girl there, but I do not know her name.

Q. Do you remember ſeeing a ſecond girl there?—*A.* No.

Q. Were

Q. Were there many people in Smithfield in the part where you were?—*A.* I did not take much notice of it, becauſe I never thought any ſuch thing; I was going along without taking notice of it.

Q. Did any body come in compâny with you from Brentford?—*A.* Yes, there was another man that I did not know.

Q. What is become of that other man?—*A.* I do not know.

Q. Was he Chriſtian or a Jew, or what was he?—*A.* He was a Jew, from what I could make out.

Q. You did not ſtop any where from the time you came from Brentford?—*A.* I ſtopped at the turnpike-gate at Hyde-park-corner.

Q. Your Jew friend and you had ſome little difficulty about the payment of a rate there?—*A.* Yes, they charged half-a-crown at the gate.

Q. How ſoon after was it that he left you?—*A.* I cannot recollect.

Q. You had not ſeen your money from the time you left Brentford till then?—*A.* No, it was tied up in a purſe.

Q. You took it out at Hyde-park-corner, to pay this half-crown?—*A.* Yes, but I had another half-crown in the other pocket, ſo I put my purſe in again.

Q. You know nothing of the priſoner, except only that he was taken into cuſtody by a gentleman of the name of Plattin?—*A.* Yes.

Q. Do you recollect two girls being by at the time?—*A.* No.

Mr. Knowlys. Q. Though you did not ſee your money, could you feel whether you had it in your purſe or your pocket, or not?—*A.* Yes.

ROBERT PLATTIN *ſworn.—Examined by Mr. Knowlys.* I am a ſtable-keeper and poſt-maſter in St. John's-ſquare; I was in Smithfield at the time this buſineſs happened; I was waiting in Smithfield to try to buy ſome cheap hay: I obſerved a man who went under the denomination of a coachman, walking along very well dreſſed, and a gay companion with him, that looked as if he was a lieutenant or a midſhipman; they kept walking from Snow-hill till they got near Long-lane, by themſelves, and ſometimes one firſt, and ſometimes the other.

Q. Do you ſee thoſe two perſons in Court now?—*A.* Yes, thoſe are the two men at the bar; one of them I have known many years, I never ſaw the other before in my life.

Q. Which is the man that you knew before?—*A.* The priſoner, Atterbury, but I did not know him by that name before, I knew him by the name of Spungy; they walked on till within two rails of Long-lane, near the ſheep-pens, called the rounds; before they quite quitted theſe rounds, there ſeemed to be a ſtoppage, and with that the ſhort one, Dowles, took a ſhort turn, and knocked up the proſecutor's bundle; I did not ſuſpect that he had a ſhilling about him from his appearance; I did not take much notice, but ſaw the tall man, Atterbury, run away.

Court. Q. How near was he to the foreigner?—*A.* They were all three as cloſe together as they could poſſibly be; when he turned round, the foreigner immediately made a great noiſe; I immediately ran up, I had not a dozen yards to run; I aſked what was the matter; he took hold of his pocket, and ſaid, me robbed of 41l. I then laid hold of Dowles, and ſaid, Sir, you are a gentleman, but you are a party concerned, if this is a robbery, which I did not ſuſpect it was; I held him a conſiderable time, while my acquaintance, a ſaleſman, ſaid, for God's ſake hold him; they ſent for an officer, and he was ſecured.

Q. Did he ſay any thing?—*A.* He ſhook very much, and ſaid, me, Sir, and I ſaid, oh yes, I ſaw you do it.

Q. What became of the other man, Spungy, the tall man?—*A.* He ran away down St. John's-ſtreet, and got clear off; he was not taken for ſeven or eight days after.

Q. Are you ſure that the tall man was one of them?—*A.* Yes.

Q. You have known him ſome years?—*A.* Yes, rather too well.

Croſs-examined by Mr. Alley. Q. You were not there at the beginning of this tranſaction?—*A.* Yes.

Q. Upon your oath do not you know there is 80l. reward if theſe men are convicted?—*A.* I do not know any ſuch thing.

Q. You have been here before to day?—*A.* Yes.

Q. You were talking about buying hay and did not much attend to what paſſed, till there was a cry out?—*A.* There was no cry out till I made one, by laying hold of the man.

Q. You ſaid to him, you are one of the men that I ſuppoſe is a party concerned?—*A.* No, I did not ſuppoſe it, I told him he was one.

Q. Had you obſerved the proſecutor ſtaggering along?—*A.* No, I did not.

Q. There was nothing remarkable in two men walking one before the other?—*A.* No, but they ſeemed to co-operate together.

Q. Do you remember any body ſaying at the time, or the proſecutor ſaying to the ſhort man, Dowles, that was not one of the men, and you made this reply, go along and be d—d?—*A.* I ſaid no ſuch a word.

Q. I tell you fairly, I ſhall call two witneſſes to prove you did ſo?—*A.* I think you are very able to call two dozen.

Q. Having told you that fairly, I aſk you again, did you or not make uſe of any expreſſion ſimilar to that?—*A.* No, I did not.

Q. Did

Q. Did you not ſay, when a perſon obſerved that he could not be one of the men, that he was, go and be d—d?—*A.* No, I did not.

Q. The tall man was an old acquaintance of your's?—*A.* No, he was not.

Q. You ſaid, you had known him a long time?—*A.* The town know him pretty well.

Q. The other young man was lucky enough never to be acquainted with you at all?—*A.* I do not know any thing of him, he had a little of it that day.

Q. You were preſent when he was ſearched?—*A.* Yes.

Q. Was any thing found upon him belonging to the proſecutor?—*A.* I believe there was not.

Q. He did not run away, but was taken upon the ſpot?—Yes.

Court. Q. What was it you ſaw him do?—*A.* He knocked the bundle upwards with his hand, and immediately put his hand into the foreigner's pocket.

Jury. Q. Did you ſee them converſe together before they came up to the proſecutor?—*A.* Yes, I did.

Jury. Q. Did you ſee his hand in the pocket?—*A.* Yes, I did.

Jury. Q. Whoſe hand was it?—*A.* The tall man's; and he whipt his hand out again inſtantly.

WILLIAM WITHERS *ſworn.*—I am a hay-ſaleſman, I was in company with Mr. Plattin; I ſaw the two priſoners at the bar come up to the proſecutor; Dowles gave his bundle a knock up with his hand, and I ſaw Spungy directly put his hand in his pocket, and take out ſomething, and run away.

Q. Which was that?—*A.* Atterbury.

Q. How long had you known him?—*A.* Three years; I know his perſon well; he made his eſcape; Mr. Plattin went and collared Dowles immediately, I followed up, and aſſiſted to ſecure him.

Q. Have you any doubt that he is the man that was with Atterbury?—*A.* He certainly is the man.

Croſs-examined by Mr. Alley. Q. You did not ſee either of the priſoners until that time?—*A.* Yes, I ſaw them in converſation together before that, againſt the rounds in Smithfield.

Q. Did you ſee the proſecutor with his bundle upon his ſtick?—*A.* No, not till they were all three together. There was no woman near them till after the ſtruggle.

Q. Were you a companion of the laſt witneſs?—*A.* I was ſelling hay, and he was trying to buy ſome.

The priſoner, Dowles, left his defence to his Counſel.

Atterbury's defence. I never ſaw the proſecutor in my life before; Mr. Plattin has known me from an infant.

For the Priſoners.

SARAH HOWTON *ſworn.—Examined by Mr. Alley.*

I am ſervant to Mr. Richards, in Bridgewater-ſquare, Barbican.

Q. Do you recollect, any time in the month of Auguſt, being in Smithfield?—*A.* To the beſt of my recollection, it was the 2d, about a quarter before five; I had been in the Borough for my miſtreſs, coming acroſs from Cow-lane to Long-lane, there ſeemed to be a buſtle, and there was a foreigner very much intoxicated in liquor.

Court. Q. There was a little bit of buſtle when you came up?—*A.* No, not before I came up; as I came along I ſaw him with a bundle and a ſtick acroſs his ſhoulder, and I ſaw a young man paſſing by at the ſame time, in a blue coat.

Q. Did you know the young man before?—*A.* I never ſaw him, to my knowledge. As he paſſed by, the foreigner, being in liquor, happened to turn round, and the ſtick flew up in his face, and as he put his hand to ſave the ſtick from going into his face, his hat fell on one ſide, and then there was a man immediately came and collared this young man in the blue coat.

Court. Q. Was that the immediate next thing that happened?—*A.* There was a man that paſſed by, and took ſomething out of the foreigner's pocket.

Court. Q. Did you ſee that?—*A.* I ſaw the man take ſomething from the foreigner's waiſtcoat pocket.

Court. Q. Do you know who that man was that took ſomething from the foreigner's waiſtcoat—Look at the priſoners, and ſee whether it was either of the men at the bar?—*A.* The man was pitted with the ſmall-pox, I think it was ſomething like that tall man.

Q. Did the young man appear to you to have been in company?—*A.* No; he was about a yard from the other.

Mr. Alley. Q. Are you poſitive that the young man in the blue coat did not make the firſt attack upon the foreigner?—*A.* Not to my knowledge.

Q. During the time you were there, had you any converſation with any body?—*A.* Nobody in particular, only I gave my ſervice ſo far, that I gave my addreſs where I lived, and told them, if I could be of any ſervice in regard of what I ſaw, I would come forward.

Q. And you went the next day before the Magiſtrate?—*A.* Yes.

Q. You live with Mr. Richards now?—*A.* Yes.

Croſs-examined by Mr. Knowlys. Q. Do you know who the young man was that knocked up the bundle?—*A.* The man that put up his hand to ſave the ſtick from going into his face, was that other young man at the bar.

Q. Can you deſcribe how he knocked it up?—*A.* He put up his hand and puſhed it away, or elſe he would have had a ſhocking blow in his face.

Q. It

Q. It was a large ſtick then?—*A.* No, it was not a very large ſtick, a middle ſized ſtick.

Q. Then what ſhould have given him a ſhocking blow?—*A.* The end of the ſtick, it was a notched ſtick.

Q. What ſort of a ſtick do you mean by a notched ſtick?—*A.* I ſhould know the ſtick again, if I ſaw it.

Q. What ſort of a ſtick do you mean by a notched ſtick?—*A.* I do not know whether it was white or yellow.

Q. How long was it that you had ſeen that young man before?—*A.* Not more than five minutes.

Q. From which way did he come to get to this foreigner?—*A.* He came from towards Cow-croſs.

Q. Upon your oath, as you ſaw him five minutes before, was he not in company with that tall man?—*A.* No; I never ſaw him with any body, till about a yard before I came up to the foreigner.

Q. About a yard before you came up to the foreigner—was not the tall man cloſe by?—*A.* He was before him a good bit; and then he took out of his pocket ſomething like a bag or purſe.

Court. Q. The tall man took ſomething out of the pocket, and after that, the ſhort one knocked up the ſtick?—*A.* A youngiſh fellow in a blue coat was the man that puſhed the ſtick.

Court. Q. But the purſe was taken away firſt?—*A.* Yes.

Court. Q. You ſay you gave your addreſs, do you carry cards about you?—*A.* No; I told them where I lived ſervant.

Court. Q. That you ſaid; immediately ſome ill-natured man, Plattin, took hold of him?—*A.* Very much ſo, and behaved very uncivil.

Court. Q. Very much ſo indeed, and it was before him you gave your addreſs?—*A.* I told him, I lived with Mr. Richards, in Bridgewater-ſquare.

Atterbury. She never ſaw me in her life till ſhe ſaw me to day in the Bail-dock.

Howton. To the beſt of my knowledge, that is the man that took the purſe from the proſecutor.

Mr. Alley. Q. Are you poſitive that that young man in the blue coat was not in company with the other man?—*A.* No, he was not.

Court. Q. What is Mr. Richards?—*A.* A watch-caſe-maker.

Mr. Alley. Q. Is he a houſekeeper?—*A.* Yes.

Court. Q. How long have you lived there?—*A.* Half a year from the 5th of October.

Mr. Alley. Q. I believe Mr. Richards has attended here beſt part of the day?—*A.* Yes.

MARY PARRAT *ſworn.—Examined by Mr. Alley.* Q. Do you recollect, any time in the month of Auguſt, being in Smithfield?—*A.* Yes. I was croſſing Cow-lane, I had been in Fleet-market, there was a young man before me, as I was croſſing there, in blue clothes, I was looking out after him, ſeeing how nice and clean he looked.

Q. Was there any body in company with him?—*A.* Nobody at all; he walked along the ſide of the pens till he came to where there is a turning to go into Bartholomew-cloſe; at the ſide of the hay-cart, there was a gentleman ſtanding there, a foreigner, very much in liquor indeed, and he had a bundle on his ſhoulder; this young man was paſſing, and he put up his hand to prevent the ſtick going in his face; Mr. Plattin then came up, and collared the young man; I ſaid to him, Sir, that young man is innocent of what you have taken him for, for I followed him from Cow-lane; Mr. Plattin replied to me, that I was an impudent b—h, I had no buſineſs with it.

Q. Are you perfectly ſure that Plattin replied to you, that you were an impudent b—h, and had no concern in the tranſaction?—*A.* I am upon my oath, and will be upon my oath of it.

Q. Did you ever ſee the priſoner, Dowles, before that time?—*A.* I never ſaw him in my life before.

Q. And you are perfectly ſatisfied that that was the anſwer this civil Mr. Plattin made to you?—*A.* Yes.

Q. Therefore, if he has already told us, upon his oath, he made uſe of no ſuch expreſſion, he muſt have been incorrect?—*A.* He ſaid ſo to me.

Q. You attended the next day before the Magiſtrate?—*A.* Yes, I did attend, but the man that opened the door would not let me go in.

Croſs-examined by Mr. Knowlys. Q. Look at the man at the bar—is that the man that you ſpeak of?—*A.* I cannot ſay to the man again.

Q. You ſtood cloſe by him, you muſt recollect whether that is the man or not?—*A.* That young man I ſaw walk before me, in blue.

Q. How came you to doubt it juſt now?—*A.* I did not underſtand you, I thought you meant the gentlemen at Guildhall.

Q. Look at the tall man, I dare ſay he was not there?—*A.* I did not ſee that man then.

Q. You will take an oath he was not there?—*A.* I did not ſee him, that young man was walking by himſelf.

Q. There was no tall man near him?—*A.* Nobody at all near him.

Q. You did not ſee who took away the money from the poor foreigner's pocket?—*A.* No.

Q. Nor you do not know whether the bundle was touched before or after the foreigner was robbed?—*A.* No.

Mr. Alley. Q. All you ſay is, that there was nobody in company with that young man?—*A.* Yes.

Court. Q. You did not ſee the purſe taken at all?—*A.* No.

Court. Q. Plattin behaved extremely ill, I underſtand?—*A.* He abuſed me, and called me an impudent b—h.

Q. If you did not ſee the property taken, how came

came you to ſay to Plattin, that young man is innocent of what you have taken him for?—*A.* I ſaw that he was by himſelf.

Q. When did you give your addreſs?—*A.* I told the young man, if I could be of any ſervice in ſpeaking the truth of what I ſaw, I would.

Q. That you told him, becauſe he was ſo neatly dreſſed?—*A.* I told him where I lived.

Court. (To Plattin). *Q.* Look at theſe two women—did you ſee either of them there?—*A.* I did not ſee them till about three minutes after, which is a good long time; this woman did come up with a brazen face, ſhe went and ſaw them to the Compter, I did alſo; and I went to enquire the foreigner's character where they make the images, and they ſaid he was a very honeſt man; her miſtreſs came to me the next day to know what had happened, for ſhe had loſt a day; I mean this young woman in the green bonnet, Sarah Howton.

Court. (To Howton.) *Q.* Were you at the Compter?—*A.* I went back with the woman to the Compter.

Court. *Q.* What woman?—*A.* I believe the boy's mother.

Court. *Q.* You did not know any thing of her?—*A.* She came to aſk me to go; and I was afraid to go home to my miſtreſs, and I got her to go home with me.

Court. *Q.* Did you ſee the other woman there?—*A.* Not to my knowledge.

Court. (To Withers.) *Q.* Did you ſee either of theſe women?—*A.* Sometime after, I ſaw this young woman, Sarah Howton, the other I did not ſee at all; there was no woman near at the time it happened.

For Dowles.

—— RAVEN *ſworn.* I have known the priſoner ſeven years; I never heard any harm of him.

Croſs-examined by Mr. Knowlys. *Q.* Upon your oath, do you not know that he has been tried here for a robbery before?—*A.* I cannot ſay exactly; I heard ſomething of a miſdemeanor.

Court. *Q.* Then how dare you ſay you never heard any harm of him?—*A.* I do not know that he was.

Q. Did you never hear that he was tried here?—*A.* I cannot ſay that I have not.

Q. What did you hear that he was tried for?—*A.* I do not know.

Q. If you have known the man for ſeven years you muſt have heard—was it within theſe four years?—*A.* I do not know.

Q. How can you venture to ſay the man has bore a good character for ſeven years, when you have heard he has been tried here for a robbery?—*A.* I don't know that he was.

Q. What did you hear he was tried here for?—*A.* I never heard.

Court. *Q.* How long ago is it ſince he was tried here?—*A.* I do not know.

Mr. Knowlys. He was tried for a robbery, and permitted to go to ſea afterwards.

Court. *Q.* Do you know much of him?—*A.* Yes; I have ſlept with him at his maſter's.

Court. *Q.* Then you muſt have heard what he was tried for?—*A.* I never did.

Dowles, GUILTY (Aged 24.)
Atterbury, GUILTY (Aged 40.)
Of ſtealing, but not violently.
Tranſported for ſeven years.

Tried by the ſecond London Jury, before
Mr. COMMON SERJEANT.

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541. BARWICK MATON, otherwiſe BARNEY MARSHALL, and JAMES GOODMAN, were indicted for breaking and entering the dwelling houſe of William Tinkler, about the hour of one in the night of the 10th of July, and ſtealing eight ſilk breeches-pieces, value 8l. twenty-one pair of ſilk ſtockings, value 11l. two pair of ſilk gloves, value 11s. two ſilk purſes, value 4s. and eighteen pair of cotton ſtockings, value 4l. the property of the ſaid William Tinkler.

(The witneſſes were examined apart at the requeſt of the priſoner's Counſel.)

WILLIAM TINKLER *ſworn.*—I am a hoſier, I live at No. 56, St. Paul's Church-yard: On the 11th of July, a little before two o'clock, I was alarmed by a watchman that my houſe was broke open; I was the laſt up the night before, I went to bed about eleven o'clock, and I ſaw the doors and windows faſt; the ſhop-ſhutters were cut with a centre-bit, and broke out, the glaſs was broke, and all the goods, mentioned in the indictment, were gone out of the window; I went to the window, and what remaining goods there were I took out; I faſtened the window as well as I could, and went up ſtairs again, and upon looking out at the window, I ſaw a man running with a bag, I do not know that that was either of the priſoners; then I ſaw the priſoner, Goodman, and another man, I cannot ſay who, join the man that had the bag, and they all three ran off together.

Q. Did you know Goodman before?—*A.* No, I did not.

Q. Do you know where they came from?—*A.* No, I do not; the ſame bag was afterwards brought to me.

Croſs-examined by Mr. Gurney. *Q.* You were alarmed about two in the morning?—*A.* A little before two.

Q. After you had gone down ſtairs you looked out at window?—*A.* Yes.

Q. It was not a moon-light night?—*A.* It was day-light when I looked out at the window; that was three quarters of an hour after the alarm.

Q. And

Q. And then it was you ſaw Goodman ſtanding there?—*A.* Yes; he was ſtanding with his face to me, juſt at the corner of the Church-yard.

Q. You were up two pair of ſtairs, perhaps?—*A.* Yes.

Q. He might be fifty yards from you perhaps?—*A.* Poſſibly he might; there was a woman there, who told me—

Q. Let the woman ſwear for herſelf?—*A.* She is not here—ſhe ſaid, that they threatened to murder her, and ſhe has been out of the way ever ſince.

Court. Q. Whereabouts is your ſhop?—*A.* Directly oppoſite the pump.

Court. Q. Where was it you ſaw Goodman?—*A.* On the eaſt ſide near St. Paul's ſchool.

THOMAS SHEPHERD *ſworn.*—I am a conſtable: I have thirty-nine pair of ſilk ſtockings that were delivered to me on the morning of the 11th of July, *(produces them)*; they were delivered to me by Thomas Jellyman; there were alſo eight breeches-pieces, two pair of ſilk gloves, two ſilk purſes, a gimblet, a chiſſel, and a ſmall crow; the chiſſel and crow were delivered to me by Thomas Duckham. About half paſt two the watchman, Humphreys, came to the watch-houſe, and informed me of a burglary; I went into Cheapſide, where I was informed by the watchman, Myers, that there were three ſuſpicious people gone paſt, down St. Paul's Church-yard, towards Watling-ſtreet; I went down that way, and in turning the corner towards Watling-ſtreet, I ſaw the priſoner, Marſhall, the ſhort one, leaving the corner from Watling-ſtreet, going towards the railing of the Church-yard; returning, on my left-hand towards Watling-ſtreet, I ſaw the priſoner, Goodman, talking with another man, between St. Paul's Church-yard and Watling-ſtreet, near the Old Change; I turned on my left-hand again, and went up the Old Change, I met two watchmen, Humphreys and Apothecary, I told them theſe men were at the corner, I would go round the Old Change again, and round the Church-yard again, and get another watchman or two to come with me; before I had got half way down the Church-yard, the alarm being given, I got to the corner, Humphreys, the watchman, had got charge of Goodman; I took him to the watch-houſe, and ſearched him, but there was nothing found; he ſaid, he was there looking for a woman that had robbed him of three guineas a fortnight before; I aſked him where he lived; he told me he was a maſter ſmith, in Bridgewater-gardens; there was a woman gave the firſt alarm, who is not here, ſhe was taken into cuſtody, but Alderman Curtis diſcharged her; ſhe ſaid, ſhe durſt not ſpeak the truth.

JAMES HUMPHREYS *ſworn*—I am a watchman: I was alarmed by my brother watchman that there were ſome lurking fellows about, and he wiſhed me to pull my coat off, and ſee who and what they were; I pulled off my coat, and the two priſoners, and another man, were then ſtanding facing Horſe-ſhoe-court, at the end of Newgate-ſtreet; when they ſaw me coming, they ſet off and run; I ran after them, and got nigh enough to ſee James Goodman's crooked leg, I never ſaw him before to my knowledge, his leg goes in at the right knee; I purſued them as far as Newgate-market, and there I loſt them; I returned back, and alarmed the conſtable of the night; he went up Pater-noſter-row, and into Cheapſide; I went up into St. Paul's Church-yard, and there I ſaw the ſhutter cut; I met the conſtable in Cheapſide, and told him the ſhutter was cut, and the houſe robbed, and the watchman was ſtanding at the hole when I came by; the other watchman, Myers, came up and alarmed us that they were at the bottom of St. Paul's Church-yard, near Watling-ſtreet, on the School ſide of St. Paul's; I and James Apothecary went down the Old Change, and the conſtable and Myers went down the Church-yard; then they ſet off and run, and I went out at the bottom of the Old Change, and met Goodman in Watling-ſtreet, and laid hold of him; I gave the alarm of ſtop thief, and a Caſtle Baynard watchman ran after the other priſoner, and ſtopped him in Carter-lane.

Q. Now, are you ſure that thoſe men were the men you ſaw in Newgate-ſtreet?—*A.* I can ſwear to the perſon of Goodman by his leg; and I think I could ſwear to the other by his coat; I was not near enough to ſee his face.

THOMAS SIMPSON *ſworn.*—I am a watchman belonging to Caſtle Baynard: I ſaw the ſhort man, Goodman, between two and three o'clock in the morning of the 11th of July, there was a cry of ſtop thief, and he came running down Knight-rider-ſtreet, my partner followed him, and I caught him; he aſked me what we ſtopped him for; and he was aſked the queſtion, what he run for; he ſaid, becauſe he heard the rattles, he ran after the man.

Q. Had any other man paſſed you?—*A.* No; we took him to the watch-houſe, and there he was ſearched; he ſtroked himſelf down, and ſaid, he had nothing upon him but his own property, nor we found nothing upon him.

Croſs-examined by Mr. Gurney. Q. You know, if you get the cauſe, you get a ſlice of eighty pounds?—*A.* I mean to do juſtice, I think nothing about a reward.

JAMES APOTHECARY *ſworn.*—I am a watchman: The watchman on this ſide St. Paul's Church-yard told me there were three men lurking about at the corner of Newgate-ſtreet; I went, and ſaw them, two of them are now at the bar; that was about a quarter before three o'clock; I ſaw the ſame men in cuſtody about three o'clock.

Croſs-examined by Mr. Alley. Q. You ſay you ſaw them lurking about—do you mean to ſay you ſaw them

them walking about?—*A.* No; I ſaw them ſtanding ſtill.

Q. You don't call that lurking about?—*A.* Yes, I do at that time in the morning.

Q. That was in Newgate-ſtreet, and the robbery was committed in St. Paul's Church-yard?—*A.* Yes.

Q. You went before the Magiſtrate?—*A.* Yes.

Q. There you ſaid you did not know whether they were the men or not?—*A.* I did not ſay any ſuch thing.

Q. Do you mean to ſay poſitively that they are the men?—*A.* Yes, I do.

TIMOTHY LEARY *ſworn.*—I am a watchman of Caſtle Baynard; I was on duty in the Old Change; I heard an alarm of ſtop thief, I ſaw two men running, they croſſed King's head-court from me; I ran after them as faſt as I could, and I ſaw they were getting a-head of me, I ſprung my rattle, and followed them acroſs a place called Jew-alley, I purſued them as faſt I could, and cried out, ſtop thief, then there were two partners of mine heard the alarm of ſtop thief, and then my partner ſtopped one of the men, Marſhall, the other eſcaped.

Q. Had you loſt ſight of him before he was ſtopped?—*A.* Never, till turning the corner, and then we took him to the watch-houſe.

Croſs-examined by Mr. Gurney. *Q.* You ſearched him there, and found nothing upon him?—*A.* He had a ſeven ſhilling piece upon him.

Q. The firſt time you ſaw him was in the Old Change?—*A.* Coming from the ſouth ſide of St. Paul's Church-yard.

Q. The oppoſite ſide from Mr. Tinkler's houſe?—*A.* Yes.

Q. That was a quarter before three?—*A.* It was then after three o'clock.

THOMAS JELLYMAN *ſworn.*—I am a braſier, No. 19, Little Carter-lane; all that I know about it is, that I picked up ſome property which Mr. Tinkler owned; On the 11th of July I was alarmed by ſome of the watch; I got up to ſee what was the matter, that was a little after three; I went out with my little boy, about thirteen years of age, to ſee what was the matter; when I came into St. Paul's Church-yard, I looked about to ſee whether the houſe was broke open; I walked round St. Paul's Church-yard till I came to the north ſide of it, near the pump; I there ſaw the place that had been broke open; I then looked about and ſaw a bag in St. Paul's Church-yard, upon the wall inſide the rails; I put my hand into it, and found there were ſome ſtockings in it; I then carried it to the watch-houſe; Mr. Tinkler was appriſed of it, and I ſaw the articles counted out and put down upon a piece of paper; I went away, and then my lad ſaw another bag inſide the rails in the graſs, and I went and picked that up, and took it to Mr. Tinkler's houſe.

Croſs-examined by Mr. Alley. *Q.* Were you bound over before the Magiſtrate?—*A.* I was ſworn at Guildhall.

Q. Did you not refuſe to come here without being paid your expences?—*A.* I aſked Mr. Tinkler about it.

Q. And he told you you would be paid by a ſhare of the reward?—*A.* No, he did not, but one of the men did.

JOSEPH MYERS *ſworn.*—I am a watchman; I was walking along, and ſaw three men at the trunk-maker's door, the corner of St. Paul's Church-yard, juſt before two o'clock; by that time there were two of them parted, and went towards Newgate-ſtreet, and the other man went towards Ludgate-hill. In about half an hour after I was ſitting in my box, and I ſaw the three men come paſt my box again; I took them to be the ſame three men; they had all brown coats on; my box is againſt St. Paul's ſchool; they came from towards Cheapſide, and were going towards Watling-ſtreet; by that I watched them, and they made a ſtop about three doors on this ſide Watling-ſtreet, at the bottom of my beat, and there they ſtood with their faces all three of them towards the window ſhutters in my beat; upon that I got out of my box and went up to them, and they turned up the Old Change; I followed them up the Old Change, and I turned up towards Cheapſide; I went upon my beat again, and then I ſaw the ſame three men at the other end of my beat, with their faces againſt the window ſhutters again; I went up to them again, and they croſſed the way to Newgate-ſtreet to a poſt there; I then went and told Apothecary that I ſaw the three men, and he went and told Humphreys.

Q. What were they about with their faces to the window ſhutters, were they trying the window ſhutters?—*A.* No, I did not ſee them trying to do any thing.

Q. Did not you think that odd?—*A.* I thought they were going to bore or cut the ſhutters.

Q. You ſaw them firſt before two o'clock? *A.* Yes.

Q. When was it you ſaw them laſt?—*A.* About half paſt two, it was hardly day-light I believe then; Humphreys then pulled off his coat and followed them.

Q. Were they the ſame men that were afterwards apprehended?—*A.* I believe they were two out of the three; there was only one brought to our watch-houſe, and I am ſure he was one that I ſaw at the bottom of the beat the laſt time altogether; I ſaw them four times, I ſaw them twice at the bottom of my beat; after I ſaw them go towards Newgate-market.

Croſs-examined by Mr. Gurney. *Q.* The bottom of your beat is Watling-ſtreet?—*A.* Yes, and the top

top of my beat is at the trunk maker's door by St. Paul's.

Q. The eaſt ſide of St. Paul's is your beat?—*A.* Yes.

Q. When you ſaw three men looking at ſome window ſhutters; you don't mean Mr. Tinkler's ſhutters?—*A.* No, my beat is not of his ſide.

Q. You thought they were the ſame men, becauſe they had all brown coats on?—*A.* They ſeemed ſo.

Q. You did not ſee their faces?—*A.* No.

Q. If I had had the misfortune to be going that way, with a brown coat on, you would have ſuppoſed I was one?—*A.* No, they were all three together.

THOMAS DUCKHAM *ſworn.*—I am a watchman. About a quarter before two in the morning, when I got to the end of my beat in St. Paul's Church-yard, near Mr. Tinkler's houſe, I met my fellow watchman, and then I went down my beat again, and when I came to Mr. Tinkler's houſe, I found the ſhutters broke open; I rang the bell, and called up Mr. Tinkler; he came down and examined the window, and I ſtaid at the window till he got up; in about an hour after that, the man that found the property came by; he looked in the Church-yard, and juſt beyond the pump he found a bag with ſome ſtockings in it, and about half an hour after that he found another bag, and I found an iron crow at the corner of the Church-yard, and a young fellow going by picked up a gimblet and gave it me. *(The property produced.)*

Mr. Tinkler. Theſe are my property

Marſhall's defence. I am entirely innocent.

Goodman's defence. I am innocent of the crime that I am charged with.

The priſoner Marſhall called two, and Goodman three witneſſes, who gave them a good character.

Both NOT GUILTY.

Tried by the ſecond London Jury, before
Mr. COMMON SERJEANT.

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542. WILLIAM CLARK was indicted, for that he, on the 5th of September, a piece of falſe and counterfeit money, to the likeneſs and ſimilitude of a ſixpence, as and for a good ſixpence, did utter to William Griffiths, knowing the ſame to be falſe and counterfeit; and the indictment further charged, that he, at the time he committed the ſaid offence, had in his poſſeſſion another ſixpence, knowing it to be falſe and counterfeit.

(The caſe was opened by Mr. Knapp.)

WILLIAM GRIFFITHS *ſworn.—Examined by Mr. Knapp.* I keep the Ram-inn, Smithfield: On the 5th of this month, the priſoner came to my houſe during Bartholomew-fair, he called for a pint of porter, and laid down a ſixpence, I told him it was a bad one, that he was wrong in offering bad money, and that it would ſerve him right to ſearch him; an officer happened to be by, who ſaid, he would ſoon do that, and at that inſtant he dropped two ſixpences, and the officer found another in his fob; he had twelve penny-worth of halfpence in his pocket at the time he wanted change for ſixpence for a pint of porter.

——— NICHOLLS *ſworn.*—I am a conſtable, *(produces four ſixpences)*; I took theſe from the priſoner on the 5th of September; I ſaw Mr. Griffiths return a bad ſixpence to the priſoner, and heard him ſay, it would not do for him to put off bad money there; I then came up to him, and deſired him to let me ſee the ſixpence; he ſaid, he would not; I got hold of his right hand, and with ſome difficulty got the ſixpence out of his hand; while I was doing that, he put his hand behind him, and dropped two ſixpences, one of them I ſaw him drop; I ſearched him, and in his coat pocket I found twelve penny-worth of halfpence, and in his fob another bad ſixpence and a duplicate.

ROBERT PARKER *ſworn.* Q. Look at the ſixpence that was offered to Mr. Griffiths?—*A.* This is a counterfeit one.

Q. Now look at the others?—*A.* The other three are likewiſe counterfeit.

Priſoner's defence. I came to the fair, and changed half-a-crown to ſee a ſhew, and I took theſe ſixpences in change; I was intoxicated in liquor, and did not know what I was about.

GUILTY.

Impriſoned one year in Newgate, and find ſureties for good behaviour for two years more.

Tried by the ſecond London Jury, before
Mr. COMMON SERJEANT.

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543. JOHN COLLINS was indicted for feloniouſly forging and counterfeiting on the 11th of July, a ſtamp and mark to reſemble a ſtamp and mark directed to be uſed in purſuance of a certain Act of Parliament, for the purpoſe of denoting the ſtamp duty of two ſhillings, charged by virtue of the ſaid ſtatute, for every felt, wool, ſtuff, or beaver or japanned hat, exceeding the value of twelve ſhillings, which ſhall be uttered or ſold by any perſon or perſons taking out a licence for uttering or ſelling in Great-Britain by retail ſuch hats as aforeſaid, with intent to defraud our Lord the King.

There were ſeveral other Counts, varying the manner of charging the offence.

(The indictment was opened by Mr. Knowlys, and the caſe by Mr. Fielding.)

JOHN ARMSTRONG *ſworn.—Examined by Mr. Knowlys.* I am one of the officers of Worſhip-ſtreet. On Wedneſday, the 11th of July, between ſix and ſeven in the afternoon, I went, in company with

with five other officers, to a houſe in Checquer-alley, between Whitecroſs-ſtreet and Bunhill-row; I, Harper, and Wray, went up two-pair of ſtairs, to a garret, the door had been juſt opened by the priſoner at the bar, he was between the door and the rolling-preſs; I then ſecured Barnett Solomons, who was in the room; the priſoner was in a nankeen waiſtcoat, with the ſleeves tucked up, in a pair of ſlippers, and without his hat.

Q. Did you obſerve the priſoner's hands?—*A* Yes; the preſs had then been recently pulled, becauſe I found a plate with a ſtamp upon it; his hands were as all men's hands are that work a rolling-preſs, with black ink or red ink, they wipe the plate with their hands; his hands were then ſtained with red ink, and the ſtamps that hung upon the line were worked with red ink, they were damp; the linen is obliged to be damped to receive the impreſſion; this plate was on a thing which they call a jigger, that they wipe on.

Mr. Serjeant Shepherd. Q. I take it that has been in your cuſtody ever ſince?—*A.* No, it has not; I marked it with my own name, and gave it to Mr. Eſtcourt's clerk.

Court. Q. What is a jigger?—*A.* It is what the plate is wiped on after it receives the ink; this grate is for laying the plate upon, with charcoal underneath, to keep it in a little warmth; this is the pot that had the charcoal in it, which was then alight; after the priſoner was ſecured, theſe printed ſtamps I took down from the line, and I have had all but three ever ſince in my poſſeſſion. *(Produces them.)*

Mr. Knowlys. Q. Were they damp when you found them upon the lines?—*A.* Yes, they were, they are two ſhilling ſtamps, No. 24. This quantity of cloth was over the preſs, but had not received any impreſſion, it was wet, in a fit ſtate to print; I found the preſs compleat at work, and every apparatus compleat for printing.

Croſs-examined by Mr. Serjeant Shepherd. Q. The door of the garret was open when you went up ſtairs?—*A.* It was juſt opened as I entered, three of us going up ſtairs, I ſaw the priſoner with the nob of the door in his hand, and Barnett Solomons was behind the preſs.

Q. Have you known Barnett Solomons?—*A.* Yes, I dare ſay two years.

Q. Not longer?—*A.* Two or three years the outſide.

Q. What was he?—*A.* A pedling Jew, he deals about the country.

Q. Is that all you know of him?—*A.* No, I did give evidence once againſt him in this Court for coining of halfpence, I believe about twelve months ago.

Q. Do you know any other circumſtance about Mr. Solomons?—*A.* No, not of my own knowledge.

Q. Do not you know he is as great a raſcal as lives?—*A.* I do not know that; I know many of the Jews are a deal worſe.

Q. Which of theſe plates did you find under the preſs?—*A.* This, the ſixpenny one, that impreſſion had juſt been pulled.

Q. Where did you find the other?—*A.* Ready to be put in the preſs as the other came out, I found it lying on the jigger. I ſerved five years to a copper-plate printer, that makes me know ſo much of the nature of it.

JOHN WRAY *ſworn.—Examined by Mr. Fielding.* I went with Armſtrong to this place, I went up ſtairs with Armſtrong and Harper, the reſt of the officers being below; when we got into the room, Collins was between the preſs and the door; Armſtrong laid hold of Collins, and I ſecured Barnett Solomons; I ſaw Armſtrong find all theſe things that he has now deſcribed; Collins gave me a key out of his pocket, I aſked him what it was, he ſaid, it was the key of his apartment, No. 39, Ayliffe-ſtreet, Whitechapel; I went and ſearched that apartment, and in a deſk I found this drawing of a hat ſtamp. *(Produces it.)*

Q. Was Barnett Solomons with you?—*A.* No.

Q. How long before had you ſeen him?—*A.* It might be half an hour or three quarters of an hour.

Croſs-examined by Mr. Knapp. Q. You are pretty well acquainted with Barnett Solomons?—*A.* Yes.

Q. Have you heard what Armſtrong has been ſaying of him?—*A.* Yes.

Q. I ſuppoſe what he has been ſaying of him you know?—*A.* Yes.

Q. You know both theſe lodgings?—*A.* Yes, I went to both.

Q. I take it there were other lodgers in the houſe, as well as Collins?—*A.* His mother lives where the preſs was, and his ſiſter, I believe.

Q. Are there any lodgers there?—*A.* I believe not.

Q. Did you enquire?—*A.* No.

Q. Will you undertake to ſwear there were not?—*A* No.

Q. Neither Solomons nor Collins were preſent when you found that drawing?—*A.* No.

Q. Did you enquire whether there were other lodgers in that houſe?—*A.* No; the key he gave me opened that door.

BARNETT SOLOMONS *ſworn.—Examined by Mr. Knowlys.* I know the paiſoner at the bar.

(Mr. Serjeant Shepherd objected that he was not a competent witneſs, having been convicted in this Court, and that they muſt produce the record of his conviction.)

Mr.

Mr. Serjeant Shepherd. Q. When were you tried here?—*A.* About two years ago, for halfpence.

Q. By what name were you tried?—*A.* By the name of Barnett Barnett.

THOMAS MAJOR *ſworn.—Examined by Mr. Fielding.* I am an engraver to the Stamp-office.

Q. Look at that ſtamp, is that an engraving of your's, or belonging to the Stamp-office?—*A.* It is a counterfeit; our ſtamps are engraved 4, 6, and 8, on a plate.

Q. Be ſo good as look at one of theſe impreſſions, does that ſtamp reſemble the original?—*A.* No, this is a counterfeit, it is an impreſſion from this plate.

Court. Q. Does it mean to reſemble the real ſtamp?—*A.* Yes, ſo nearly, that perſons not converſant in theſe things would be deceived.

Court. Q. Tell me the diſtinguiſhing circumſtances?—*A.* They have omitted the chain in the counterfeit ſtamp.

Mr. Fielding. Q. Did you engrave that which is in uſe in the Stamp-office?—*A.* Not entirely myſelf, I finiſhed it.

Q. Have you any order of the Commiſſioners?—*A.* I have, this is my warrant. *(Produces it.)*

Croſs-examined by Mr. Serjeant Shepherd. Q. I obſerve you produce this paper, which is dated in June, 1796, where did you receive that from?—*A.* From the Stamp-office.

Q. Did you fetch it from there yourſelf?—*A.* I believe this gentleman delivered it to me who ſits next me, Mr. Linley.

Q. Do you recollect when you received it?—*A.* I cannot poſitively ſay.

Q. About when?—*A.* It could not be long after its date.

Q. Did you, after you received that order from that gentleman, engrave any plate?—*A.* A great many plates.

Q. Who did you return the plates to after you had engraved them?—*A.* I carry them to the Stamp-office, then they are entered, and ſigned by three or four witneſſes, and always in preſence of a Commiſſioner.

Q. How do you know that that is not a plate of your engraving?—*A.* There is a chain omitted in it, and I know it by the difference of the workmanſhip.

THOMAS LINLEY *ſworn.—Examined by Mr. Knowlys.* I am a Superviſor of the Stamps, at the Stamp-office.

Q. Have you the plates for ſtamping the two ſhilling ſtamps?—*A.* I have got them here.

Q. Are theſe the plates that have been in uſe in the Stamp-office, for the purpoſe of impreſſing ſtamps?—*A.* I have them here, *(produces them)*; they are under my care.

Court. Q. Is the year dated upon the ſtamps?—*A.* No.

Mr. Knowlys. Q. How long have theſe been in uſe?—*A.* From the 5th of Auguſt, 1796.

Q. Here is one ſtamp, I ſee, No. 24?—*A.* Yes, they are different numbers.

Q. *(To Mr. Major.)* Is that plate, No. 24, the original plate?—*A.* It is.

Q. Does this plate appear to reſemble it?—*A.* It is a reſemblance, but a bad one.

Mr. Serjeant Shepherd. Q. How many plates like that large one have you engraved ſince that order came?—*A.* I cannot ſay, I have engraved many of them.

Q. Now point out to me the difference between that on the large plate, and that which you have in your right hand?—*A.* There are many differences that you would not be a judge of, there is a chain totally omitted.

Q. Theſe plates, by wearing, become unfit for uſe, without re-touching?—*A.* They are repaired upon the ſame plate.

Mr. Serjeant Shepherd. (To Linley.) Q. How many of theſe plates are there in uſe?—*A.* Forty-ſix.

(Mr. Shelton reads the record of the conviction).

"September 14, 1796, Barnett Barnett convicted, fined one ſhilling, and impriſoned in his Majeſty's gaol of Newgate for three months until he pay the ſame."

Mr. Knowlys. (To Solomons.) Tell us what you know about this buſineſs?—*A.* I went to a houſe that I uſe, and Collins told me he had got ſomething that might be of uſe, we might get money by it; I aſked him what it was; and he ſhewed me a two ſhilling ſtamp; he told me if I could negociate any of them, it would be of great ſervice to him and me too; I took the ſtamp to a gentleman, who ſaid, he would go immediately with me to a ſolicitor; he went with me, it was a ſtamp upon cloth; the priſoner brought me ſome ſtamps to a public-houſe, he brought me two hundred the next day; he ſerved me about three weeks, I had about ſeven hundred in the whole of them; the Sunday before he was apprehended, he aſked me to come to his houſe, I did not know where he lived till he aſked me to come; it was about two o'clock in the afternoon, and I ſaw the preſs, but he ſaid it was Sunday, and there was no work going on; he told me to call on the Monday, which I did.

Q. Tell us any thing you ſaw then about the ſtamps?—*A.* I ſaw the two ſhilling ſtamps ſtruck.

Q. Who ſtruck them?—*A.* The priſoner; he aſked me to pull the preſs for him, which I did; and in about an hour the officers came and took us.

Court. Q. Had you never pulled the preſs before?—*A.* No.

Court.

Court. Q. What did you do with the ſeven hundred ſtamps?—*A.* I delivered them to the Solicitor.

Croſs-examined by Mr. Serjeant Shepherd. Q. How long have you known him?—*A.* About a twelvemonth.

Q. Do you mean to ſay he applied to you firſt, or you to him?—*A.* He applied to me.

Q. Do you mean to ſwear that?—*A.* Yes; at a Wine-vaults, in Petticoat-lane.

Q. How many times had you been at this lodging of his before the officers came?—*A.* I never was there before that Sunday that he was apprehended on the Wedneſday.

Q. When did you firſt deliver the ſtamps, you chuſe to ſay you had from him, to the Solicitor?—*A.* Directly.

EDMUND ESTCOURT Eſq. *ſworn.—Examined by Mr. Fielding.* Q. Did that man call upon you, and deliver you any ſtamps?—*A.* He did, a bag full.

Q. Was it in conſequence of his information that the priſoner was apprehended?—*A.* It was. *(Produces a large parcel of ſtamps).*

Priſoner's defence. My Lord, and Gentlemen of the Jury, I think it is not neceſſary for me to ſay much, being fully conſcious of my own innocence; that man is the greateſt traitor that ever was born, he has ſworn as falſe as any thing under the ſun; if ever an innocent man ſtood at the bar I am he; my Lord, and Gentlemen, I have nothing more to ſay, I leave it intirely to your diſcretion.

Mr. Serjeant Shepherd. My Lord. This indictment is founded upon an Act of Parliament, the 36th of the preſent King, which refers to a former ſtatute, the 24th of the King, by which it is enacted, that no perſon is to ſell hats without a licence. It then charges upon hats a duty of two ſhillings for every hat above the value of twelve ſhillings, and ſo on. Then the ſtatute of the 36th of the King enacts, that every hat made of felt, wool, ſtuff, beaver, or leather, &c. ſhall be lined, or covered, in the inſide of the crown, with ſilk, linen, or other proper materials, whereon a durable mark, or ſtamp, can be conveniently affixed, to denote the duties by the ſaid recited Act impoſed; and on which materials, a ſtamp, or mark, to be provided by the Commiſſioners of the Stamp-office, ſhall have been ſtamped.

Now, if this ſame ſtatute had charged the duty which has directed the ſtamp to be uſed; and has created the ſubject of the offence, beyond a doubt this indictment would have been good; but, I ſubmit to your Lordſhip, upon the face of this indictment, that it is at leaſt equivocal by what ſtatute this duty is charged; if this indictment had ſtated that he forged a ſtamp denoting a duty charged by the 36th of the King, it would be bad, becauſe there is no duty charged by that ſtatute; and, therefore, it muſt be ſtated to be a duty charged by ſome other ſtatute than that ſet out in the indictment; becauſe, by that ſtatute, there is no duty charged at all. It is ſtated in the indictment, that the priſoner has forged a ſtamp to denote a duty charged by virtue of the ſtatute.—I ſay, that is not ſufficiently ſtated; for the only ſtatute in the indictment is the 36th of George III. which charges no duty at all. I ſubmit to your Lordſhip, that it ought to have been ſtated in this way: that he has forged a ſtamp to denote a duty charged by virtue of the ſtatute of the 24th of George III. and then it would ſtand perfectly clear; that the duty being charged by one ſtatute, and the ſtamp provided by another, that he had forged the ſtamp directed by the 36th, denoting a duty charged by the 24th.

Court. You ſee, Brother Shepherd, the words are—"forge a ſtamp, and mark, then and there directed to be uſed, in purſuance of a certain Act made in the 36th, denoting a duty of two ſhillings, charged by virtue of the ſtatute in that caſe made and provided."

Mr. Serjeant Shepherd. If your Lordſhip thinks that muſt neceſſarily refer to ſome other ſtatute, my objection falls; but I ſubmit to your Lordſhip, it is moſt perfectly equivocal as it ſtands at preſent.

Court. If there is a ſtatute made and provided for the purpoſe, am I to ſuppoſe it refers to a wrong ſtatute?

Mr. Serjeant Shepherd. If your Lordſhip takes the ſtatute in that caſe made and provided neceſſarily to refer to the 24th.

Court. He has tranſgreſſed againſt the 36th, by forging a ſtamp in that caſe made and provided.

Mr. Serjeant Shepherd. I will juſt trouble your Lordſhip with another objection. This ſtatute creates an offence, the object of which is to defraud the King of a duty raiſed by another ſtatute.—Then this man has offended againſt two ſtatutes, and this indictment concludes "againſt the form of the ſtatute" only; whereas, I apprehend, if there is a breach of the law againſt two ſtatutes, it is neceſſary that the indictment ſhould conclude "againſt the form of the ſtatutes;" I admit it will not vitiate an indictment which concludes againſt the form of the ſtatutes when the offence is only againſt one ſtatute; but I contend, that where it is ſtated againſt the form of the ſtatute, when it is an offence againſt two ſtatutes, that indictment is bad.

Mr. Fielding. My Lord, I ſhall apply myſelf entirely to the latter objection of my learned Friend's.—My learned Friend ſays truly, an indictment muſt conclude againſt the plurality of ſtatutes, if a plurality of ſtatutes be neceſſary to contemplate the crime of which a party is accuſed; if, therefore, it were neceſſary in any degree to conſider the conſtitution of the crime, as made by the 24th of the King, it would give a ſemblance to the objection of my learned Friend; but, inaſmuch as here, whatever other duties may be impoſed by former Acts, the 36th compriſes all thoſe caſes, ſo as to bring them within one focus. I conſider the crime, of which the priſoner is indicted here, to conſiſt in what I ſhall now ſtate to your Lordſhip: whatever the duties were before, whether they had been impoſed by one, two, three, or four different ſtatutes, it does not at all ſignify here; the ſtatute of the 36th ſays, that a ſtamp, ordered by the Commiſſioners to denote any thing that had gone before, that the forging, or counterfeiting that ſtamp, is the crime in the contemplation of the Legiſlature. Therefore, your Lordſhip can have nothing to do with any other ſtatute; for the 36th of the King expreſsly makes it criminal in the party to forge that, which, by the order and direction of the 36th, is adopted in order to denote ſuch duty, and therefore it could not have been neceſſaty for us, in the leaſt degree, to have taken notice of the manner in which the

duties

duties were impoſed by the 24th of the King. It is true, the Act of Parliament does not expreſsly charge the duty of 2s.; but there are a great variety of caſes in the books, where I take the diſtinction always to have been this: that where the crime in the contemplation of the Legiſlature is laid altogether, and the puniſhment affixed by a latter Act of Parliament, though there may have been ſeveral preceding Acts of Parliament, it is always laid as againſt that ſtatute. The crime here, is the counterfeiting a ſtamp, that ſtamp is directed to be uſed by the Commiſſioners, by this very Act; and all we have to conſider is, whether the ſtamp, ſo made uſe of, was ordered by the Commiſſioners under this Act. We conceive we have nothing to do with the antecedent Acts, and therefore, we truſt your Lordſhip will be of opinion that the indictment is good.

Mr. Knowlys. My Lord, There has been one poſition of law aſſumed upon this occaſion, againſt which I beg leave to enter my proteſt. In the firſt place, the foundation certainly fails—The crime with which the priſoner at the bar ſtands charged, is forging a certain ſtamp; that crime was created by the 36th of the King, and created by no other ſtatute whatever; becauſe, till the 36th of the King, that ſtamp, which he is charged with forging, as a capital offence, was not in exiſtence. The 24th of the King had ordered ſtamps to be made, but they were to be impreſſed upon paper; that mode of collecting the duty was found to be open to conſiderable evaſion, and therefore the 36th repealed that mode of impreſſing the ſtamps. To denote the duty, it ſays, that new ſtamps ſhall be prepared by the Commiſſioners, to be impreſſed upon linen, and ſo far fixed to the hat as to make evaſion more difficult. Then comes the enacting clauſe, which ſays, if any perſon ſhall forge or counterfeit any ſtamp directed to be uſed by this act, then they ſhall ſuffer death, without benefit of clergy. There is no other ſtamp legally in exiſtence, and therefore there can be no other forgery than that individual forgery created by this individual Act; therefore, that would be the anſwer to the poſition, upon which the ſubſequent objection muſt be grounded, namely, that there are two ſtatutes relative to this offence; but, ſuppoſing that were ſo, yet the inference of law deduced from it, cannot ſtand. It is taken as a poſition, that the indictment ought to conclude againſt the form of the ſtatutes—I know that Mr. Serjeant Hawkins, when he treats on the ſubject of indictments, ſays, there have been ſome authorities for it; but he adds, there are alſo ſtrong authorities for the contrary opinion, which is alſo moſt agreeable to precedents; and I will venture to ſay, that there are no precedents in the margin of this book (4 Hawkins, 71) of indictments, upon which the objection has been raiſed, and upon which the objection has been allowed. The precedents there cited, are precedents of actions *qui tam*, in which the objection has been allowed; but in thoſe caſes there is no allegation of a crime, and therefore the party claiming a penalty may be held to greater ſtrictneſs than in an indictment calling upon the party to anſwer for a crime. There is no precedent, ſo far as I have been able to ſearch, of that kind; but thoſe precedents which are cited in the margin, are proceedings in actions *qui tam*, and not upon indictments; and therefore, do not warrant the aſſertion that there are precedents, in which the Court have decided, that, in indictments, the concluſion muſt be againſt the form of the ſtatutes; on the contrary, the ſtrong authorities, as well as the courſe of precedents, are on the other ſide; and therefore, unleſs there is ſome modern caſe ſtronger, in which thoſe former opinions are taken notice of, and held not to be law, while it is ſaid, the ſtronger opinions are on the other ſide, and the courſe of precedents too, your Lordſhip will not give way to the weaker.

Mr. Serjeant Shepherd. My Lord, With reſpect to the authority of Mr. Serjeant Hawkins, there are caſes which appear of a contrary determination. Mr. Serjeant Hawkins ſays, where the proceedings are in latin, and may not be underſtood, the ſafeſt way is to put it with an abridgment, *contra formam ſtatut'*, which may ſtand either for *ſtatuti* or *ſtatutorum*, as will beſt maintain the indictment. Where one act creates an offence without reference to another, which enacts what the puniſhment ſhall be, there I apprehend it ſhould be againſt the form of the ſtatute, becauſe the ſubſequent ſtatute has nothing to do with the offence, but merely with ſomething that is to be done with the priſoner, after the verdict of the Jury has paſſed, namely, puniſhment: But where an offence is conſtituted, and neceſſarily muſt be founded, upon more than one ſtatute, it is not a true deſcription of the priſoner's offence, becauſe he has not done any thing criminal againſt the form of the ſtatute, but againſt the form of the ſtatutes. Now, to apply that obſervation, ſuppoſe for a moment, the 24th Geo. III. was expunged from the book of ſtatutes, neither my learned Friend, or any body elſe, could form an indictment, or convict a man upon the 36th, becauſe the 36th creates an offence forging a ſtamp denoting a duty charged by another ſtatute; therefore, the 24th of the King, muſt be an exiſting law at the time the offence was committed, or it is no offence at all; and therefore makes one of the ingredients upon which the indictment is framed; for the indictment is for doing an act prohibited by the 36th, producing a fraud, the exiſtence of which fraud can only be againſt the 24th; for there muſt be an act done, and there muſt be a fraud intended; the act muſt be done againſt the 36th of the King, the intention of fraud is againſt the 24th, becauſe it is an intention to defraud his Majeſty of a duty charged by the 24th.—Then there muſt be two Acts of Parliament to conſtitute the offence charged, and if ſo, then I ſubmit to your Lordſhip that this indictment cannot be good.

My learned Friend, Mr. Knapp, refers me to an authority very much in point, in Hale's Pleas of the Crown, 2d vol. 173. The caſe cited, is the caſe of Dingly and Moore, from Croke, Eliz. 6. "If one ſtatute be relative to another, as where the former makes the offence, the latter adds a penalty; the indictment ought to conclude *contra forma ſtatutorum.*" That is not exactly this caſe to be ſure, but the principle, as it ſeems to me, is the ſame; that where two ſtatutes muſt be taken into contemplation, in order to conſtitute the offence, it muſt be againſt the form of the ſtatutes. The indictment charges that he has forged a ſtamp denoting a duty of 2s. upon all hats above the value of 12s. to be ſold by any perſon; ſuppoſe they had blundered at that deſcription, and ſaid, denoting a duty upon all hats above the value of 5s.; beyond a doubt, it would have been bad, becauſe it muſt charge, by the 36th of the King, that the ſtamp forged, is a ſtamp denoting a duty.—There is no duty upon a hat of 5s. therefore, if it does not ſay, forging a ſtamp denoting a legal duty, as charged by the 24th, it would not be any offence

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at all. That ſhews that your Lordſhip muſt neceſſarily look at the 24th, in order to ſee whether he has forged any ſtamp which does denote any thing at all; and here the offence is founded upon that ſtatute, becauſe the offence is, forging a ſtamp, directed by the 36th of the King, to denote a duty charged by the 24th of the King; and therefore, unleſs the indictment had ſtated it to be againſt the form of the ſtatutes, it cannot be good.

Lord Chief Baron. This objection, in the firſt place, is perfectly new. I believe I have attended ſcores of proſecutions in the offices which I have had the honour to fill, and in every caſe theſe forgeries are attended with the conſequence of breaking in upon ſome revenue, founded upon ſome Act. I agree with my Brother Shepherd, that if one Act ſhall ſpeak of the crime, and another of the puniſhment, you muſt take the two Acts together; but it is ſingular, as it ſtrikes my mind, to ſuppoſe that the 24th of the King had any thing to do with the preſent indictment, which is an indictment for offending againſt a mode of offence, which is, for the firſt time, deſcribed in the 36th; it is an offence againſt that Act, and that only; but in deſcribing the offence, and purely as matter of deſcription, the indictment ſays, he has forged a ſtamp and mark directed to be uſed in purſuance of a certain Act; for what purpoſe? it then deſcribes the thing, for the purpoſe of denoting a ſtamp duty of two ſhillings, by virtue of the ſaid ſtatute. Then it is nothing more than deſcribing what ſort of ſtamp it is that has been forged; but the crime of forging depends entirely upon the 36th, and not at all upon the 24th. I take it this does not fall within that ſort of caſe, where you muſt neceſſarily look into two ſtatutes to ſee what the offence is; you only look into one, and there you ſee what the conſequences of that offence is; it is a very different caſe from where the crime is defined in one Act, and the conſequences in another. I am therefore of opinion, that the objection ſhould be over-ruled: at the ſame time, if Mr. Knapp, and my Brother Shepherd, think it a point worth reſerving, it ſhall be reſerved.

The priſoner called thirteen witneſſes, who gave him an excellent character.

GUILTY **Death.** (Aged 23).

After the verdict was pronounced, the priſoner addreſſed the Court as follows:

My Lord, and Gentlemen of the Jury, I am perfectly ſatisfied with my trial; I meet the ſentence with every fortitude that a man ought to do. To the Counſel, who have pleaded for me, I return my moſt ſincere thanks. The evidence of Barnett is completely falſe; and knowing my own innocence, and the manner in which I have been drawn into it, I ſhall meet that God hereafter, whom he dare not ſhew his face before. I am totally innocent, and I know that God will ſtand my friend, and a crucified Chriſt will receive me in the arms of his faithfulneſs, when I launch from the gallows into an endleſs eternity.

The caſe was reſerved for the opinion of the Judges.

Tried by the ſecond Middleſex Jury, before
The LORD CHIEF BARON.

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544 RICHARD SHAW and JOHN HARRIS were indicted for feloniouſly ſtealing, on the 8th of September, two linen ſheets, value 12s. two linen ſhifts, value 12s. two linen pillow-caſes, value 2s. a linen towel, value 8d. and a coarſe towel, value 4d. the property of Thomas Hodges.

Second Count. For ſtealing like goods, the property of Roger Baker.

ELIZABETH HODGES *ſworn.*—I am the wife of Thomas Hodges, I ſell old linen in Monmouth-ſtreet, I know nothing of the loſs myſelf.

ROGER BAKER *ſworn.*—I keep a little ſhop and a mangle; the linen was delivered to me by Mrs. Hodges's little child, and I took them and put them down on the mangle in the ſhop; I went down into the kitchen upon ſome buſineſs between ten and eleven o'clock in the morning as near as I can gueſs; I returned in a few minutes, and Mrs. Baker called me up in haſte and aſked me what I had done with the bundle of linen that I had received; I ſaid, I had laid it on the mangle, and ſhe ſaid, ſhe had loſt it out of the ſhop; I received information of the priſoners, and I immediately went to the Bull's-head, in Crown-ſtreet, a few doors from my houſe, and found the two priſoners were there; I got a conſtable, and ſecured them; the property has never been found.

JANE BAKER *ſworn* — The two priſoners came into my ſhop on the 8th of September, between ten and eleven o'clock in the forenoon; Shaw aſked for half an ounce of tobacco, the bundle was then lying on the mangle; another man then came in and aſked for ſome ſugar-candy, he aſked me how much there was for a penny, I ſaid, half an ounce; he ſaid, he thought he ſhould have an ounce, and then turned round to Harris, and I miſſed him and Harris all at once; I did not ſee them go; then Shaw threw a piece of ſilver upon the counter, and told me to give him change; I took the ſilver in my hand, and aſked him if he called that a ſhilling; he ſaid, yes; I told him it was too large for a ſixpence, and too ſmall for a ſhilling; I took three different ſhillings out of the till and weighed it, it was too light, I told him I could not take it; he took the ſilver back, and went out of the ſhop; I miſſed the bundle, I was going to mangle it, and then I called my huſband as he has related; I went to the Bull's-head, in Crown-ſtreet, and there I found the two priſoners, and they were taken before a Juſtice; I am ſure the priſoners are the two men that came into my ſhop firſt.

CHRISTOPHER COOPER *ſworn.*—I am a grocer: On the 8th of this month, between ten and eleven o'clock, I was ſtanding behind my counter, in Compton-ſtreet; I ſaw the priſoners, and two other young men, paſs along on the other ſide of the way, they went on to the corner of Stacey-ſtreet, all four together, they ſtopped about a minute in converſation, when Shaw left them, apparently

rently to go home, he lives that way; he might have got ten paces, when the other three lads followed him, and in about two or three minutes afterwards I ſaw Harris with a bundle of linen under his arm, ſuch as was deſcribed at Marlborough-ſtreet; Harris, and the biggeſt of the other two, paſſed cloſe under my window, the other was on the other ſide of the way, and when he ſaw me looking at him, he ſtopped running; it ſtruck me it was a robbery, and I learned that they were gone into the Bull's-head, in Crown-ſtreet; the bundle appeared to me like a bundle of ſheets done up with a brown wrapper over it, that did not quite cover it, the things were apparently in a rough ſtate, not mangled. When the conſtables came, I went to the Bull's-head, and the two priſoners were taken into cuſtody; I pointed out Harris as the perſon who had the linen under his arm, but I never ſaw Shaw after the time that I ſpeak of.

Jury. Q. Did you know the priſoners before?—*A.* I have known Shaw a long time, and the other I know by ſight; I have ſeen him frequently.

BENJAMIN POOLE *ſworn.*—I apprehended the priſoners at the Bull's-head, in Compton-ſtreet, in company together.

Harris's defence. I went into this ſhop with a young man who had got a cold, to buy ſome barley-ſugar, he ſaid he could have more than that for money, and we came away, and went to the Bull's-head, and there we were taken.

Shaw's defence. I know nothing at all of the bundle, I went into that public-houſe as I generally do at my meals, I never ſaw Harris before in my life, I am entirely innocent.

Shaw called three, and Harris one witneſs, who gave them a good character.

Shaw, GUILTY. (Aged 20.)
Harris, GUILTY. (Aged 18.)

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury, before Mr. COMMON SERJEANT.

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545. PATRICK HENCHILLER and THOMAS ODELL were indicted for feloniouſly ſtealing, on the 21ſt of Auguſt, five pails of grains, value 15d. the property of William Weſt.

There being no evidence to eſtabliſh a charge of felony againſt the priſoners, they were

Both ACQUITTED.

Tried by the firſt Middleſex Jury, before The LORD CHIEF BARON.

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546. SARAH HAWKINS was indicted for feloniouſly ſtealing, on the 21ſt of Auguſt, five yards of printed cotton, value 15s. the property of John Brown and Thomas Foſter.

JOHN BROWN *ſworn.*—I am a linen-draper, No. 25, Oxford-ſtreet. On the 21ſt of Auguſt the priſoner came into our ſhop to aſk for ſome printed cotton; ſhe ſaw ſeveral quantities, and none ſuited her; ſhe went away, and as ſhe was going away I ſaw a piece of print hanging from under her child, which I took away from her; I brought her back, took her to Marlborough-ſtreet, and ſhe was committed, *(produces the property);* I know this to be mine; juſt before ſhe came in, I had wrapped it up with the fag end outward, as it is now, and the printer's name upon it; ſhe wiſhed me to let her go very much.

Priſoner's defence. There was another woman with me, and ſhe gave it me to hold while ſhe tied the child's ſhoe.

Q. Was there another woman with her?—*A.* Yes.

The priſoner called two witneſſes, who gave her an excellent character.

GUILTY (Aged 25.)

Confined one month in Newgate, and fined 1s.

Tried by the firſt Middleſex Jury, before Mr. COMMON SERJEANT.

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547. ANN SOUTH, otherwiſe ARCHER, was indicted for feloniouſly receiving, on the 9th of April, at the pariſh of St. Mary Matfellon, otherwiſe Whitechapel, a linen ſhirt, value 5s. a ſilk handkerchief, value 1s. 6d. eight yards of dimity, value 8s. thirty yards of ribbon, value 10s. two cotton ſhawls, value 8s. ſix pair of cotton ſtockings, value 9s. two yards of diaper, value 12d. and a cotton handkerchief, value 12d. the property of William Chapman, being part of certain goods feloniouſly and burglariouſly ſtolen by one John Morris, otherwiſe Biſſell, and John Moore, for which felony and burglary they were tried and convicted at the Aſſizes holden for the county of Eſſex; knowing the ſame to have been ſtolen.

WILLIAM CHAPMAN *ſworn.*—I am a ſhopkeeper, at Woodford, in the county of Eſſex: In the night of the 8th of April, my houſe was broke open; they had wrenched the ſhutters of my Staffordſhire-warehouſe, which is under the ſame roof with my dwelling-houſe; then they broke a pane of glaſs between the Staffordſhire-warehouſe and the linen-draper's ſhop; a boy had got through the pane of glaſs, who was capitally convicted at Chelmsford. I was twice robbed; I loſt a great quantity of ribbons the laſt time; I loſt as much as two hundred pounds worth of property; among the reſt, I loſt the things mentioned in the indictment, *(repeating them);* part of them were in the indictment againſt Morris and Moore; the officers found the things, mentioned in this indictment, at the priſoner's lodging.

JOHN NOWLAN *ſworn.*—I am an officer of the Police-office. On Monday, the 9th of April, I went, in company with ſome other officers, to a houſe in George-yard, Whitechapel, where we apprehended the men that were tried at Chelmsford, in company with the priſoner at the bar; the three men that were tried at Chelmsford reſiſted very much, in the mean time the priſoner made her eſcape; I ſearched the apartment, it was a lower room, ſhe acknowledged that it was her room; I ſearched the room, and found the articles ſtated in the indictment tied

up

up in this handkerchief, and concealed in a bureau bedſtead; I ſecured the three men, and took them to the office. On the Wedneſday following, I went, in company with Griffiths, to a place called Salter's-rents, near Shoreditch-turnpike, where we found the priſoner in bed; I aſked who that room belonged to that ſhe made her eſcape out of, and ſhe ſaid it was her's; I aſked her if ſhe knew any of the priſoners that we had apprehended; ſhe ſaid, yes, ſhe knew Morris, he had ſlept with her about ſix weeks; ſhe had a bed-gown, which, upon my aſking her, ſhe ſaid Morris gave her after the firſt robbery; Mr. Chapman was robbed twice.

Mr. Chapman. I was robbed the 17th of March the firſt time, and afterwards in the night of the 8th of April. *(Nowlan produces the property.)*

Chapman. Theſe things are mine, they have moſt of them my private mark upon them.

Q. And were in your ſhop on the 8th of April?—*A.* They were; they were loſt in the night.

THOMAS GRIFFITHS *ſworn.*—On Monday, the 9th of April, I went, in company with Nowlan and two other officers, to a houſe in George-yard, which was the apartment of the priſoner; I found this cotton ſhawl. *(Producing it).*

Chapman. This is mine.

(Mr. Chapman produced a copy of the record of the conviction of John Morris, otherwiſe Biſſell, and John Moore, at Chelmsford).

Chapman. I received it from Mr. Knapp's office.

Priſoner's defence. I did not know what was in the room; I had not ſlept in the room for three nights before they were taken.

GUILTY. (Aged 22.)

Tranſported for fourteen years.

Tried by the ſecond Middleſex Jury, before Mr. COMMON SERJEANT.

The SESSIONS *being ended, the* COURT *proceeded to* GIVE JUDGMENT *as follows:*

Received ſentence of Death—14.

John Lowther, Thomas Allen, Joſiah Oliver,
Dennis Nugent, James Wingrove, Catherine Lahey,
Thomas-Henry Wiltſhire, Robert Ladbroke Troyte, Ann Warner,
otherwiſe Walden, John Bruton, Sarah Willis,
Joſeph Peachey, William Hewlings, Ann Sydney.

Tranſported for fourteen years—2.

Benjamin Jacobs, otherwiſe Jacob Abrahams, Ann South, otherwiſe Archer.

Tranſported for ſeven years—24.

Charles Wilſon, Robert Dowles, Charles Bradbury, William Radford,
Sarah Lawrence, William Atterbury, John Collins, Margaret Buckie,
Mary Smith, James Hardwicke, Thomas Robertſon, Thomas Chapman,
Richard Clark, Joſeph Hawkes, John Howard, John Manning,
Sarah Baker, George Roſe, George Walker, Richard Shaw,
William Abell, Charles Wilbraham, Thomas Whomby, John Harris.

Confined two years in the Houſe of Correction, and fined 1s.—5.

Elizabeth Jean, Thomas Summers, John Rudd, Suſannah Taylor, Mary Davies.

Confined one year in the Houſe of Correction, and fined 1s—4.

Jane Curtis, Richard Lloyd, Thomas Glover, Sarah Conjuet.

Confined one year in Newgate, and fined 1s.—2.

Arthur Neal, Thomas Curtis.

Confined ſix months in the Houſe of Correction, and fined 1s.—2.

Elizabeth Green, Thomas Stone.

Confined ſix months in Newgate, and fined 1s—1.——William Eaſt.

Confined three months in Newgate, and fined 1s.—1.——Mary Roberts.

Confined two months in Newgate, and fined 1s.—1.——James Honey.

Confined one month in Newgate, and fined 1s.—2.

Mary Thompſon, Sarah Hawkins.

Confined fourteen days in Newgate, privately whipped, and diſcharged—2.

William Cathery, Sarah Herbert.

Confined one week in Newgate, and fined 1s.—1.——Ann Smith.

Fined 1s. *and diſcharged*—2.

Thomas Grizzle, Hugh Robins.

The Seſſions were adjourned till Wedneſday, October 24, 1798.

INDEX.

The Figures refer to the Page.

A.

Allen Thomas — 533
Abrahams Benjamin — 547
Abell William — 568
Archer Ann, otherwiſe South 592
Atterbury William — 579

B.

Baker Sarah — 503, 568
Barber Mary — 541
Barnett Elijah — 548
Bradbury Charles — 549
Bartholomew John — 516
Buckie Margaret — 565
Bruton John — 552
Bearblock Charles — 570

C.

Curtis Jane — — 501
—— Thomas — 559
Cathery William — 502
Clarke Sarah — 538
——— Mary — 529
——— Richard — 565
——— William — 586
Collins John — 549—586
Conjuet Sarah — 547
Chapman Thomas — 561

D.

Davies Mary — 561
Dowles Robert — 579

E.

Egerton Sarah 499—500—566
Eaſt William — 508

G.

Green Margaret — 499
—— Elizabeth — 542
Grizzell Thomas — 503
Goodman James — 583
Glover Thomas — 528

H.

Heſter Maria — 499
Howard Jane 499—500—566
——— John — 530
Holyland Chriſtopher — 563
Hardwicke James — 537
Hawkes Joſeph — 538
Herbert Sarah — 549
Honey James — 543
Hampton Ann — 566
Haynes Elizabeth — 551
Harris John — 591
Henchiller Patrick — 592
Hawkins Sarah — 592
Hewlings William — 570

J.

Jacobs Samuel — 500
——— Benjamin — 547
Jean Elizabeth — 540

K.

Knight Richard — 516

L.

Liſter Sarah 499—500—566
Lahey Catherine — 526
Lloyd Richard — 539
Lowther John — 527
Ludey Mary — 550
Lawrence Sarah — 558

M.

Madden Mary — 540
Middlemas Edward 509
Manning John — 562
Miles John — 577
Maton Barwick, otherwiſe Marſhall Barney — 582

N.

Neal Arthur — 501
Nathan Deborah — 502
Nugent Dennis — 548

O.

Odell Thomas — 592
Oliver Joſiah — 570

P.

Purnell Richard — 504
Peachey Joſeph — 535
Price Ann — 540

R.

Robins Hugh — 503
Rudd John — 533
Roſe George — 539
Robertſon Thomas — 528
Robinſon James — 542
——— Ann — 542
——— Elizabeth — 542
Ruſſell William — 543
Radford William — 556
Roberts Mary — 564

S.

Sydney Ann — 524
Summers Thomas — 533
Sampſon Joſeph — 509
Swaine Mary — 546
Smith Mary — 558
—— Ann — 559
Stone Thomas — 566
Shaw Richard — 591
South Ann, otherwiſe Archer 592

T.

Taylor Suſannah — 536
——— James — 537
Thompſon Mary — 550
Troyte Robert-Ladbroke 530

W.

Williams Jane 499—500—566
——— George — 563
Warner Ann — 526
Willis Sarah — 524
Wiltſhire Henry — 524
Walden William — 524
Ward Thomas — 538
Wilſon Charles — 548
Wilbraham Charles — 549
Walker George — 551
Wingrove James — 544
Whomby Thomas — 556
Wright Samuel — 570

End of the Seventh Seſſion.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery

FOR THE

CITY OF LONDON,

AND ALSO,

The Gaol Delivery

FOR THE

COUNTY OF MIDDLESEX,

HELD AT

JUSTICE-HALL, IN THE OLD-BAILEY,

On WEDNESDAY, the 24th of OCTOBER, 1798, and following Days,

BEING THE EIGHTH SESSION IN THE MAYORALTY OF

The Right Hon. SIR JOHN WILLIAM ANDERSON, BART.

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

WILLIAM RAMSEY,

AND

Publiſhed by Authority.

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1798.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery

FOR THE

CITY OF LONDON, &c.

BEFORE Sir JOHN WILLIAM ANDERSON, Bart. LORD MAYOR of the CITY of LONDON; Sir BEAUMONT HOTHAM, Knight, one of the Barons of His Majeſty's Court of Exchequer; JOHN HEATH, Eſq. one of the Juſtices of His Majeſty's Court of Common Pleas; Sir JOHN WILLIAM ROSE, Knight, Serjeant at Law, Recorder of the ſaid City; JOHN SILVESTER, Eſq. Common-Serjeant at Law of the ſaid City; and others, His Majeſty's Juſtices of Oyer and Terminer of the CITY of LONDON, and Juſtices of Gaol Delivery of NEWGATE, holden for the ſaid City and County of MIDDLESEX.

London Jury.	*Firſt Middleſex Jury.*	*Second Middleſex Jury.*
Richard Atkinſon,	Hugh Wright,	Samuel Folger,
Richard Draper,	Benjamin Bond,	Edward Kent,
William Archer,	Richard Mount,	Joſeph Butler,
Thomas White,	Matthew Moody,	Richard Francis,
George-Thomas Turner,	John M'Cord,	James Powell,
John Poole,	John Watſon,	John Brock,
Edward Daniel,	Robert Salter,	Peter Bacon,
Thomas Willan,	George Oliver,	Robert Muſket,
Samuel Peacock,	James Gibſon,	William Brown,
William Finlay,	James Herbert,	William Bridgman,
James Otterbury,	James Stewart,	Robert Gleddell,
Robert Orton.	Joſeph Green.	Peter Taylor.

548. JOHN BOLTON was indicted for feloniously ſtealing, on the 17th of September, a pair of bellows, value 1s. 6d. the property of Thomas Mallard.

THOMAS MALLARD *ſworn.*—I am porter to a broker, and keep a little broker's-ſhop beſides: On Monday the 17th of September, about half paſt eight in the evening, I loſt a pair of bellows; on the Tueſday morning, a neighbour of the name of Cooper came to aſk me if I had loſt a pair; I told him I did not know that I had, I looked and miſſed a pair; I went with him to the watch-houſe about eleven o'clock, and ſaw them in care of the watch-houſe-keeper, I knew them to be mine by my own writing, and my own work in them; I never ſaw the priſoner till I ſaw him at the watch-houſe.

WILLIAM BROWN *ſworn.*—I am a watchman: I took charge of the priſoner from John Cooper, and I took him to the watch-houſe, with a pair of bellows and a tub of oyſters, the bellows were lying on the tub, *(produces them)*; I gave them to the watch-houſe-keeper, and when I came to Marlborough-ſtreet they were delivered into my care.

JOHN COOPER *ſworn.*—I am a journeyman painter: On Monday night, the 17th of September, about half paſt nine o'clock, a boy came in, and ſaid, there are two men gone off with a tub of oyſters of your's; I immediately went after them, and in High-ſtreet, St. Giles's, I ſaw the priſoner with the tub, and a pair of bellows at the top of it; I laid hold of him, and told him they were mine; I called the watchman, and gave charge of him and the property.

Q. Look at the bellows?—*A.* Theſe are the ſame bellows.

Mallard. Theſe are my bellows, they have my own mark upon them in writing (1s. 9d.), and the loop had dropped off, and I put on another made out of a ſtrap of an old pair of boots of mine.

Priſoner's defence. A man aſked me to carry them for him to Oxford-road. NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. RECORDER.

---

549. JOHN BOLTON was again indicted for feloniouſly ſtealing, on the 17th of September, a wooden tub, value 6d. and thirty-ſix oyſters, valus 1s. 6d. the property of John Cooper.

JOHN COOPER *ſworn.*—My wife keeps an oyſter-ſtall in New Compton-ſtreet: On Monday night, the 17th of September, I was informed of my loſs; I purſued immediately, and in High-ſtreet St. Giles's, I perceived the priſoner with a tub of oyſters under his arm; I ſeized him, and called the watch, he ſtruggled very much to get away; I called the watch, and he was taken to the watch-houſe, the oyſters were carried the next morning to Marlborough-ſtreet; the tub has a *C* at the bottom of it, I had ſix of them made together, they were then delivered to the watchman; he gave in ſeveral different names.

JOHN BROWN *ſworn.*—I am a watchman: I had charge of the priſoner, and this tub with oyſters in it, it is the ſame tub.

Priſoner's defence. I am as innocent as the child unborn. NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. RECORDER.

---

550. NANCY HOLMAN was indicted for feloniouſly ſtealing, on the 20th of September, twenty-five yards of Iriſh linen cloth, value 3l. the property of William Trye and John Thomas, privately in their ſhop.

JOHN THOMAS *ſworn.*—I am a linen-draper, in partnerſhip with William Trye; I was not at home at the time of the robbery.

WILLIAM-MILES TRYE *ſworn.*—I am ſhop-man to Meſſrs. Trye and Thomas, linen-drapers, in Bridge-ſtreet: On the 20th of September, about five o'clock, the priſoner at the bar came in, and requeſted I would ſhew her ſome cloth; I ſhewed her ſeveral ſmall quantities of cloth, ſhe fixed upon one, and I cut her off three quarters of a yard, ſhe told me it was for caps; ſhe then aſked for ſome muſlin borders, I then ſold her a quarter of a yard of muſlin for borders, ſhe paid me for it; I had no ſuſpicion of her being a thief, and juſt as ſhe was going out, at the end of the counter, I ſaw a motion with her gown as if ſhe was covering ſomething, but I did not ſee her take any thing; I thought it was very ſingular, but I had no ſuſpicion of her; a perſon came in immediately, and aſked us whether we had loſt any thing; I immediately followed her, and upon Weſtminſter-bridge I put my hand upon her ſhoulder, and ſaid, good woman, you have left ſomething behind, and inſtantly the cloth dropped from her, *(produces it)*; a witneſs, who is here, picked up the cloth, and we took her to Queen-ſquare; I know this to be my maſter's property by the private mark upon it.

Q. Was it upon the counter while ſhe was in the ſhop?—*A.* I cannot ſay whether it was or not, I had ſeen it about two hours before ſhe came in.

Mr.

Mr. Thomas. This is my cloth, I know it by my own mark; I had taken it down and left it upon the counter, I dare ſay it had lain there full three hours.

WILLIAM KITTEY *ſworn.*—I am a waterman, I ſaw the priſoner come out of Meſſrs. Trye and Thomas's ſhop with her clothes up ſo high that we could ſee her naked thigh, I thought it was very odd, and I went into the ſhop and aſked if they had loſt any thing; I told them a woman was gone over the bridge that I thought had got ſomething; I went with Mr. Trye over the bridge, he deſired me to take hold of her, and I held her till the conſtable came.

The priſoner did not ſay any thing in her defence.

GUILTY (Aged 55.)

Of ſtealing but not privately in the ſhop.

Confined one year in the Houſe of Correction, and fined 1s.

Tried by the firſt Middleſex Jury, before Mr. Baron HOTHAM.

---

551. WILLIAM RUSSELL and GEORGE SHIRLEY were indicted for feloniouſly ſtealing, on the 24th of September, a jacket, value 7s. and two pair of breeches, value 5s. the property of George Rous, Eſq. a cloth coat, value 21s. two ſhirts, value 5s. a waiſtcoat, value 3s. four pair of cotton ſtockings, value 8s. two pair of ſilk ſtockings, value 6s. ſix neck-handkerchiefs, value 6s. two waiſtcoats, value 3s. a pair of ſhoes, value 2s. 6d. a pair of ſilver buckles, value 10s. 6d. and a pocket-handkerchief, value 12d. the property of Thomas Hulſe, in the dwelling-houſe of the ſaid George Rous, Eſq.

THOMAS HULSE *ſworn.*—I am butler to Mr. Rous, in Bedford-ſquare: On Monday morning, the 24th of September, between eleven and twelve in the day, I and two of the ſervants were ſitting in the front parlour, with the blinds put to, which prevented us from ſeeing any thing of the tranſaction; ſomebody rang at the door, and ſaid there had been a man in the area, and upon coming out of the houſe, I ſaw a bundle tied up in a ſilk handkerchief, lying on the top of a door in the area; I then immediately ran acroſs the ſquare with ſome other people; I did not ſee any body, and therefore I returned; the next morning I went to Bow-ſtreet, and ſtated what things were loſt. The property that was taken away was my own property; four pair of cotton ſtockings, two pair of ſilk, two waiſtcoats, an upper one and an under one, a pair of ſhoes, and a pair of ſilver buckles; ſix neck-handkerchiefs and a coat were taken out of the area, but not carried away, and a jacket and two pair of leather breeches belonging to my maſter; that is all I know of the tranſaction.

MICHAEL JOHN MASON *ſworn.*—I am going of thirteen years of age.

Q. Do you know the nature of an oath?—*A.* Yes.

Q. What will become of you if you ſwear falſely?—*A.* I ſhall go to hell.

Q. Where ſhall you go if you behave righteouſly?—*A.* To God. *(He is ſworn).* I live in Plum-tree-ſtreet; I was going with a child acroſs Bedford-ſquare, I ſaw the priſoner Shirley looking down Mr. Rous's area, and I turned round the ſquare; when I go into the ſquare, I generally ſit at Mr. Rous's ſteps; I ſat down, and then I ſaw the priſoner Ruſſell in the area, and afterwards I ſaw Ruſſell look over the window, and then from that window to the door, there were three windows, he looked in at all of them, and then he went in at the hall door, it was not locked, he juſt turned it round; he went in, and Shirley gave me a knock of the head, and aſked me what I was looking there for, why could I not look ſtrait; when I was at Clerkenwell I forgot to mention that; then Ruſſell came out with the clothes and went under the watch-box, at the corner of the ſquare, and put the clothes down on the pavement; he gave Shirley ſome of them in his apron, and he walked as far as Great Ruſſell-ſtreet, and then afterwards he ran, and Ruſſell tied the other clothes up, and put them in the corner of the duſt-hole door, and then came back to the watch-box, and he opened the watch-box gate, and came out; I went and rang at Mr. Rous's door, and ſome of the ſervants came out.

Q. Are you ſure theſe are the two men?—*A.* I am poſitive they are the men.

Q. How ſoon did you ſee the priſoners afterwards?—*A.* As I was going home I ſaw Shirley.

Q. When were they taken up?—*A.* Ruſſell was taken up that ſame night; I cannot rightly ſay when Shirley was taken up.

Croſs-examined by Mr. Alley. Q. Are you perfectly ſure the priſoners were the men?—*A.* Yes.

Q. I believe you ſaid at Bow-ſtreet, that the man that you took for Shirley was marked with the ſmall-pox?—*A.* No, he had a mark upon his lip.

Q. Did not you ſay that was the reaſon why you knew him?—*A.* No, I did not; I ſaid he had a remarkable plain face.

THOMAS RABBITS *ſworn.*—Q. How old are you?—*A.* Thirteen.

Q. Do you know the nature of an oath?—*A.* Yes.

Q. Where will you go if you take a falſe oath?—*A.* To hell.

Q. If you behave well in this world, what will become of you then?—*A.* I ſhall go to heaven. *(He is ſworn).* I live at the Bedford-arms; I went out

out with a pot of beer to Serjeant Hill's, the day that Mr. Rous's houſe was robbed; I ſaw the priſoner Ruſſell come out of the area, and as he came out of the area, I ſaw a ſlit in his coat, and that is all I know him by; I ſaw him at Bow-ſtreet, he had the ſame coat on then, I did not ſee his face.

WILLIAM BARRETT *ſworn.*—I live at the Bedford-arms, in Charlotte-ſtreet: On the Monday that Mr. Rous's houſe was robbed, I ſaw Ruſſell running acroſs the ſquare.

Q. Did you know him before?—*A.* No, I never ſaw him before.

Hulſe. This property was left behind, tied up in the priſoner's handkerchief. *(Produces it).*

Q. They are of no great value, I believe?—*A.* No; here are two coats which I can ſwear to, and two ſhirts, which have the initials of my name.

Croſs-examined by Mr. Alley. *Q.* You do not know whoſe handkerchief that is?—*A.* No, only what Wilſon told me.

HENRY CROCKER *ſworn.*—*(Produces a coat).* This is the coat that was on Ruſſell at Bow-ſtreet, which anſwered the deſcription the boy gave of it.

Shirley's defence. I am quite innocent; I know nothing at all of it; the mark that the boy ſpoke of on my lip, was done with ſhaving the firſt night that I was in priſon.

For Shirley.

JOSEPH GRIMSHALL *ſworn.*—I was in Tothill-fields priſon for ſtealing a ſheep's kidney of the value of a penny; Shirley, when he firſt came to the priſon, aſked me to ſhave him, I ſhaved him, I think it was this day month, I accidentally cut his upper lip, which cauſed a mark; he had no viſible mark on his upper lip before.

Court. (To Wilſon.) *Q.* Had the priſoner, Shirley, a cut in his lip?—*A.* Yes, he had.

Q. And did you ſay ſo at Bow-ſtreet?—*A.* Yes.

Hulſe. When he appeared at Bow-ſtreet, he had a cut in his lip, which appeared to have been of a long ſtanding; he firſt ſaid it was a cold, which had broke out, and afterwards he ſaid it was a cut; a perſon, who examined him, ſaid, in the hearing of the priſoner, that it was a cut of a much longer ſtanding.

The priſoner Shirley called ſix other witneſſes, who gave him a good character.

Shirley, GUILTY (Aged 24.)
Ruſſell, GUILTY (Aged 21.)

Of ſtealing goods, value 39s.
Tranſported for ſeven years.

Tried by the firſt Middleſex Jury, before Mr. Juſtice HEATH.

70

552. ANN BROWN was indicted for feloniouſly ſtealing, on the 15th of October, a cotton gown, value 9s. and a black petticoat, value 6s. the property of Eleanor Rook, widow; a waiſtcoat, value 3s. and a blanket, value 3s. the property of Daniel Holland.

ELEANOR ROOK *ſworn.*—I lodge in Mr. Holland's houſe, in Cartwright-ſquare, in the Minories; I went out of an errand laſt Monday was a week, between five and ſix o'clock, I returned in about ten minutes, and ſaw the priſoner come out with a bundle, I had never ſeen her before; I ſtopped her, and found upon her a black petticoat and a cotton gown belonging to me, and a waiſtcoat and a blanket belonging to Mr. Holland; I had left the key in the door, and ſhe had turned the key and gone in, the property is here, *(produces the petticoat)*; I had juſt taken the petticoat and gown off; I am ſure they are mine.

ELEANOR HOLLAND *ſworn.*—I am the daughter of Daniel Holland; the officer has got my father's property; I ſtopped the woman at the ſame time that Mrs. Rook did.

SAMUEL DOWSEY *ſworn.*—I am an officer, *(produces the property).*

Eleanor Holland. I know this waiſtcoat to be my father's.

Priſoner's defence. I was informed there was a woman that gives out ſlop-work lived there, I went into the houſe to enquire for her, and I found this bundle on the ſtairs, and when this woman came up, I told her if it was her's, there it was for her.

GUILTY (Aged 40.)

Tried by the firſt Middleſex Jury, before Mr. Baron HOTHAM.

---

553. JOHN BROWN was indicted for feloniouſly ſtealing on the 17th of October, a ſilk handkerchief, value 2d. the property of Henry Smale.

HENRY SMALE *ſworn.*—This day ſe'nnight, in the middle of the day, as I was paſſing juſt on this ſide Temple-bar, I felt a twiſt at my pocket, I looked round on my right hand, and ſaw no perſon, I then turned round on the left hand, and ſaw my handkerchief drop from the priſoner at the bar; I immediately took up my handkerchief, and ſeized the priſoner by the collar; I took him to a friend's houſe, and ſent for a conſtable, who took him before the ſitting Magiſtrate.

Q. Did there appear to be any others connected with him?—*A.* I cannot ſay that.

JOHN YOUNGHUSBAND *ſworn.*—I am a conſtable, *(produces the handkerchief)*; I received it from Mr. Smale, at Whieldon and Butterworth's.

Q. (To Smale.) Is that your handkerchief?—

A. I

A. I have no doubt of it; there is a great ſimilarity in handkerchiefs, and there is no mark upon it.

The priſoner did not ſay any thing in his defence.

NOT GUILTY.

Tried by the London Jury, before Mr. COMMON SERJEANT.

---

554. JOHN BOND was indicted for the wilful murder of Ann, his wife, September the 29th.

He alſo ſtood charged with the like murder on the Coroner's Inquiſition.

The caſe was opened by Mr. Knowlys.

MARGARET HUDDLESTON *ſworn.— Examined by Mr. Knowlys.* I am a lodger in the ſame houſe with the priſoner, No. 4, Dean-ſtreet, Tothill-fields; the priſoner and his wife lodged in the one pair of ſtairs over my head: On the 29th of September, the deceaſed had been out chairing, ſhe came home about half paſt ſix o'clock, her huſband, the priſoner, was not then come home, ſhe could not get into her own room, and ſhe came into my room; her huſband came home in about ten minutes, ſhe followed him up in the courſe of five minutes.

Q. How ſoon after that did you hear any thing?—*A.* In about ten minutes I heard a buſtle, and the ſounding of blows, but I did not think it was upon her; he came out of his room as ſoon as the blows ceaſed, and was coming down ſtairs; then I heard Sarah Shaw come down, ſhe lived over his head; Mrs. Shaw called out, that the old villain had murdered his wife; he had then got almoſt to my door in the paſſage, I ſtepped out of my room and laid hold of him, and would not let him go out; he ſaid, he wanted to go out to get ſome beer; then Mrs. Shaw went up with the priſoner and me, I rather forced him up; ſhe had a candle in her hand; we found Mrs. Bond lying on the floor with a great deal of blood upon her, to all appearance, half a pailful, it had ſpread a great deal.

Q. From what part of the body did the blood ſeem to iſſue?—*A.* From her head, it flowed out of her mouth, her noſtrils and her ears.

Q. Did you hear Mrs. Shaw ſay any thing to him?—*A.* No, ſhe called out, in her fright, for me to ſtop him, thinking it was ſo.

Q. Had Mrs. Bond any life in her, when you got into the room?—*A.* No, there was no appearance at all of any life.

Q. When the priſoner was in the room with you, did he ſay any thing?—*A.* He ſaid, his wife had killed herſelf by falling againſt the bedſtead; then Sarah Shaw ran for a ſurgeon, to try if there were any hopes of life, and I remained to take care of the priſoner; he would go down ſtairs, and I went down with him, and knocked at a neighbour's door, and he came and aſſiſted me till the conſtable came; the conſtable ſaid, you muſt go with me; he ſaid, for what, I have done nothing, ſhe has killed herſelf by a fall.

Q. Were you in the room when any thing was found?—*A.* Yes, I was in the room when the bill-hook was found, about an hour after, it laid withinſide the fender.

Q. What is his buſineſs?—*A.* A carpenter.

Court. *Q.* Is a bill an inſtrument of his trade?—*A.* I do not know.

Croſs-examined by Mr. Knapp. *Q.* The firſt you heard was a noiſe of blows, as you ſuppoſed?—*A.* Yes.

Q. Whether they were all blows of one perſon, or of two fighting, you could not tell?—*A.* The blows followed one another as quick as poſſible; the deceaſed was at work mending ſtockings at the time, the ſtocking was not off her arm, nor the thimble off her finger.

Q. Have you known the unhappy man and the unfortunate deceaſed long?—*A.* Yes.

Q. Do you know if he had been, during the time you have known him, in a ſound ſtate of mind?—*A.* Yes, as far as has come within my knowledge.

SARAH SHAW *ſworn.*—I live over the priſoner's head; I was not at home when the priſoner and the deceaſed came home; when I had been in my apartment a little while, I heard them quarrelling about ſome money that the deceaſed had to receive, a-yearly income her father had left her upon his deceaſe; a year's money became due that day.

Q. Could you at all hear what was ſaid about money?—*A.* I heard Bond ſay that it was his money as much as her's, and ſhe ſaid it was not his, her father had left it her, and ſhe ſhould ſee about that; preſently after I heard Mrs. Bond cry murder, and then I heard five or ſix blows, they followed one another as faſt as they could; I then took the candle and went down ſtairs, and met Bond coming out of his own door, and drawing the door after him; I ſaid to him, you villain, you have killed your wife; he ſaid, he had done nothing to her, and was going to get a pennyworth of beer; he went to go down ſtairs, I told him he ſhould come up, I would ſee what he had done, and he ſaid, no, he ſhould go for the beer; Mrs. Huddleſtone then laid hold of him, and told him he ſhould go up and ſee what he had done; ſhe did go up, but I cannot ſay what ſituation ſhe was in, for I was ſo terrified, that I did not know what I did.

Q. Did you ſee any thing that cauſed your fright?—*A.* I ſaw Mrs. Bond lying in a heap, and a vaſt deal of blood about, I was very much frightened before that, for I thought he had done

ſo,

ſq, though I did not know; I then went to fetch Mr. Franks, the ſurgeon.

Q. Were you preſent when any thing was found in the room?—*A.* No.

Q. Did you ſee Mrs. Bond when Mr. Franks came in?—*A.* The houſe was ſo full, I could not get in.

Croſs-examined by Mr. Knapp. Q. How long had you lived in that houſe?—*A.* I had lived there about eighteen or twenty months; the priſoner and his wife lived there before I came.

Q. Were you intimate at all?—*A.* Only how do you do.

Q. I perceive Bond is very far advanced in life?—*A.* He is better than ſeventy years old, I believe.

Q. He ſeems very infirm?—*A.* When he meets with any thing to take any particular effect upon him, he may.

Q. Have you obſerved that before?—*A.* Yes, he is an old man.

Q. Have you ever heard that he has been actually out of his ſenſes?—*A.* No.

Q. However, from your own obſervation, you have found his nerves a good deal affected, when any thing particular has happened?—*A.* It cannot be expected otherwiſe.

ANN MOFFAT *ſworn.*—I lodge in the ſame houſe with the priſoner, in the two pair of ſtairs, with Mrs. Shaw; I came home between ſix and ſeven on Saturday night, and when I went up, I heard the priſoner and his wife having words about the money that her father had left her, which came due that day, and as ſoon as I had got into my own room, I heard Mrs. Bond cry murder, and then I heard repeated blows, I could hear it diſtinctly, the doors were both open; what happened afterwards I do not know, for I was ſo frightened I was not able to ſtir off my chair till after the ſurgeon came, ſhe was then lying in an immenſe quantity of blood.

Croſs-examined by Mr. Knapp. Q. Have you lived in that houſe any length of time?—*A.* About eighteen or twenty months.

Q. Had you any opportunity of knowing whether he was deranged in his mind?—*A.* According to my judgment there was nothing of that ſort.

Mr. FRANKS *ſworn.*—I am a ſurgeon in Great Smith-ſtreet, Weſtminſter; I was called in about ſeven o'clock in the evening to the aſſiſtance of Mrs. Bond; when I came into the room, ſhe had expired; the body was lying upon the floor, in the middle of the room; finding the woman irrecoverably dead, I endeavoured to diſcover the cauſe; I removed the cap of the deceaſed, and with my finger I ſoon traced a fracture of the cranium, with a wound on the left ſide of the head.

Q. Did that appear to have been given by a blow with the fiſt, or an inſtrument?—*A.* With an inſtrument. The next morning, about eleven o'clock, I again attended, ordered the head to be ſhaved, and found another fracture of the ſkull, on the ſame ſide of the head, about two inches from the other wound, there was a depreſſion of the cranium, the bone had been forced inwards.

Q. Is it your opinion that thoſe blows were the cauſe of the death of the deceaſed?—*A.* Certainly.

Q. Have you any doubt?—*A.* Not the leaſt in the world.

Q. Did you either on Saturday or Sunday diſcover any inſtrument?—*A.* On the Sunday morning I diſcovered a bill-hook lying within the fender, and I give it as my opinion, that that inſtrument was adequate to the miſchief that had been produced.

Q. Did it appear to you that the wound had been given by ſuch an inſtrument?—*A.* Certainly.

Q. Did you obſerve the hands of the deceaſed?—*A.* The woman had a ſtocking on.—On the Wedneſday after the Coroner had ſeen the body at Mr. Chippendale's, an undertaker's, I diſcovered a contuſed wound on the left hand of the ſame kind with that on the head, and appeared to have been given by the ſame inſtrument.

Court. Q. Do you conceive that it might have been poſſible for this woman, by any fall againſt the bedſtead, or ſharp corner of any furniture in the room, to have received theſe wounds?—*A.* Impoſſible; ſhe might have had a mere ſimple fracture, theſe things are common; but ſomething elſe muſt be ſuperadded to cauſe inſtantaneous death.

The priſoner left his defence to his Counſel.

JOHN SMITH *ſworn.*—I am a coachmaker, No. 38, Tufton-ſtreet, Weſtminſter: I have known the priſoner twelve years, till within about a fortnight before this happened, he had frequently been at my houſe; he is ſixty-nine years of age.

Q. Were you intimately acquainted with him?—*A.* I have frequently ſharpened his ſaws for him, and he has communicated his mind frequently to me.

Q. From the opportunities you had of obſerving his mind, tell the Court and Jury what your ideas were with reſpect to the ſanity of it?—*A.* I have frequently known him ſo diſturbed in his mind, and ſo perplexed, that he was like a madman at times; a little more than a twelvemonth ago he came to my houſe in a diſturbed unhappy ſtate, and was communicating how diſturbed he was in his mind, and that he ſhould make away with himſelf; he ſaid, he was going up Millbank-row, and ſuppoſing I was to throw myſelf in the water, ſays he, what will the conſequence be; my wife ſaid to him, ſuppoſe you were to put your finger in the fire, and you were to feel the ſmart, how would you bear that for a whole eternity; he then ſaid,

I thank

I thank you, God bleſs you, and bounced out of the room in a mad freak.

Q. At any other time can you recollect any thing particular taking place?—*A.* Yes, at various times ſimilar to this; I followed him out of the houſe at that time, and he went up Orchard-ſtreet; I perſuaded him to compoſe his mind, and go in and have a drop of purl, being early in the morning; I reaſoned with him upon his diſturbed ſtate of mind, and not to go near his wife till he was more ſatisfied; but, when I left him, I could not get any kind of anſwer from him, in any meaſure, like a man.

Q. How came you to ſpeak of his wife?—*A.* He frequently uſed to ſay, his mind was ſo diſturbed he could have no peace at home; and he and his wife uſed to quarrel a great deal.

Q. Did he ever explain to you what they quarrelled about?—*A.* No, not particularly.

Q. Can you tell us of any other particular occurrence that led you to notice the ſtate of his mind?—*A.* Rather leſs than a fornight before this affair happened, I think it was about Monday or Tueſday was a week before it happened, he came to me to ſharpen a ſaw for him, and he communicated his unhappy mind to me, that his ſhirt was in a pail ſoaking, it was not waſhed for him, and he was very bad with a cold, he could hardly crawl about; I ſaid, don't mind that, Mr. Bond, get ſomebody elſe to waſh it for you; he went away, and ſaid, God bleſs you, I ſhall not ſee you any more.

Q. At the time that he uttered that expreſſion, did it ſtrike your mind, at the time, that it was the obſervation of a perſon frantic with melancholy and deſpair?—*A.* Yes, as it had been at various times before.

Q. You did not know him at all in Berkſhire, at a place called Bracknell?—*A.* Yes.

Q. Do you remember any thing particular happening to him there?—*A.* I left that country before it happened.

Croſs-examined by Mr. Knowlys. Q. Perhaps you know who this man works for?—*A.* He worked for the ſame maſter that I did.

Q. You did not continue working for that maſter ſo long as he did?—*A.* No.

Q. Was he in that maſter's employment at the time this melancholy affair took place?—*A.* Yes.

Q. Did you ſee him at all that day, or the week before?—*A.* No.

Q. Therefore how his mind was on thoſe days, you do not know?—*A.* No.

Q. Do you know of his being abſent any day from work for the laſt fortnight?—*A.* No.

Q. Do you know that his wife had a little money of her own, independent of him?—*A.* It is a little cottage that was left by her father.

Q. Have you heard him converſe at all upon the ſubject?—*A.* Yes.

Q. Have you ever heard him expreſs any diſcontent about her having that money?—*A.* There was always a controverſy about it.

PHILIP PECKHAM *ſworn.—Examined by Mr. Knapp.* I am a carpenter and builder, in Jermyn-ſtreet, St. James's: I have known the priſoner many years; in the year 1792 and 1793, he was in the habit of working for me the greateſt part of the time.

Q. During that time, was there any thing led you to take notice of the ſtate of his mind?—*A.* At different periods he would be away from his work, and walk about the ſtreets like a man deranged in his ſenſes, without any known cauſe; I have ſet him to work in a morning, and he has left it before night without any known cauſe.

Q. Did his conduct evince to your mind that of a diſordered mind?—*A.* At thoſe times that I have now mentioned it did.

Q. Has he worked for you ſince?—*A.* In 1794 and 1796 he worked for me, and his fits grew worſe upon him, and more frequent; I employed him but a very ſhort time, at that period, in conſequence of that; ſince that time I have known nothing of him.

Croſs-examined by Mr. Knowlys. Q. You don't mean to ſay he was conſtantly deranged in his mind, but had occaſional fits of derangement?—*A.* Yes.

Court. Q. Did you obſerve any thing particular that brought on thoſe fits upon him?—*A.* Many times his wife has come and ſent for him, but at other times, without any known cauſe to me, he has gone away and left his work.

Q. Did you ever obſerve any other ſymptoms about him than that of a gloomy melancholy diſturbed man, that could induce you to ſuppoſe he did not know what he was doing?—*A.* I cannot ſay that I ever did.

GEORGE SEARLE *ſworn.—Examined by Mr. Knapp.* I am a ſmith, at Battle-bridge: I have known the priſoner at the bar all my life.

Q. Did you know him intimately?—*A.* Yes.

Q. Of courſe then, you had an opportunity of obſerving the ſtate of his mind?—*A.* Yes, at times it was like the mind of a man who was not in his proper ſenſes; he was not capable of his buſineſs at different times; there was one inſtance about nine years paſt, he attempted to make away with himſelf, by hanging himſelf in his work-ſhop; he was ſaved by being cut down in time.

Q. Did you ſee him on the 29th of September laſt?—*A.* Yes, he came a little after two o'clock in the day; he ſtopped with me till juſt the turn of four o'clock.

Q. Did

Q. Did you obſerve particularly the ſtate of his mind at that time?—*A.* I ſaw that he was enraged about ſomething, and was not at all like the perſon that he was before, from the particular motion of his hands, and of his eyes, that I took particular notice of.

Q. Did his mind, at that time, appear to have been the mind of a perſon deranged?—*A.* He ſaid to me, I am very careleſs about any thing, for I am not for this world, as if he had meant to make away with himſelf; he mentioned theſe words ſeveral times.

Q. Was there any thing elſe particular in his conduct, ſo as to induce you to conceive his mind was diſordered?—*A.* No.

Croſs-examined by Mr. Knowlys. Q. Something had made him angry?—*A.* Yes.

Q. Do you know that his wife had ſome little property of her own?—*A.* Yes.

Q. Do not you know that that was the cauſe of his anger that day?—*A.* I cannot ſay.

Q. Did you aſk him what he was angry about? *A.* No.

Q. Do not you know he expreſſed himſelf angry that he could not get at this money?—*A.* He has told me of the money, that he was expecting of it.

Q. Did not he tell you that his wife would not let him have it?—*A.* No.

Q. Did you never hear him expreſs himſelf angry that his wife ſhould have this money at her own command?—*A.* No, never in my life; he told me, the Thurſday before this happened, that he was going with his wife to take that money.

Q. When you ſaw him on the Saturday, did not you aſk him what had put him in a paſſion?—*A.* No, I did not.

Q. How long was he with you?—*A.* About two hours.

Q. And you never aſked him what had made him angry?—*A.* No.

Q. And did he leave you in the ſame degree of anger in which he came to you?—*A.* Yes.

Court. Q. Were you in the room with him all the time of thoſe two hours?—*A.* Yes.

Q. You had a good deal of converſation with him about different things?—*A.* Yes; I ſpoke ſeveral joking things with him, and aſked him to drink.

Q. However, you had a good deal of diſcourſe?—*A.* No great deal.

Q. Did he give you rational anſwers?—*A.* No.

Q. Did he ſeem to underſtand you?—*A.* He gave me ſome times quite contrary anſwers.

WILLIAM WOODS *ſworn.—Examined by Mr. Knapp.*—I live at Bracknell, in the county of Berks; I have known the priſoner theſe twenty years.

Q. What was the ſtate of his mind?—*A.* I cannot ſay.

Q. Do you remember any thing particular happening?—*A.* Yes; at his firſt connexion with the woman that is dead, he reſided at my premiſes, and between nine and ten, or ten years ago, he hung himſelf up by a rope to a beam in his workſhop, and locked himſelf in; I was preſent when he was cut down, and took away the rope from his neck.

GUILTY Death. (Aged 69.)

Tried by the firſt Middleſex Jury, before Mr. Baron HOTHAM.

SENTENCE.

Mr. Recorder. Priſoner at the bar, After a very patient and a very humane diſcuſſion of your caſe, by the learned Judge who tried it, you have been convicted of the moſt horrid crime of murder, a crime ſo malignant in its nature, that it is difficult to find words to expreſs its atrocity. All civilized nations are agreed in puniſhing this great offence with death: by the law of this country, the murderer is condemned to die; a law which has the very high ſanction and authority of the ſacred ſcriptures. Even in the atrocious crime of murder, there are very different ſhades of malignity; your's is a caſe of the very deepeſt die, you have, in ſavage brutality, moſt wantonly dared to ſpill the blood of an unarmed, innocent, and helpleſs woman, to lift up your blood thirſty hands againſt the partner of your bed, the partaker of your ſorrows and your happineſs, when ſhe was in the act of ſober honeſt induſtry; a perſon to whom, under the moſt ſolemn vow, you had engaged to afford ſhelter and protection from every harm; what could excuſe ſuch an offence? nothing ſhort of the deprivation of reaſon. Moſt unfortunately for you, the Jury, in the diſcharge of the duty they owed to themſelves and to their country, have found that this moſt horrid deed was done in ſound mind, and in moſt wicked malice. Inaſmuch as your offence is of the greateſt enormity in the ſight of God and man, ſo ought your contrition and your repentance to be moſt ſincere and moſt unfeigned; I moſt earneſtly requeſt you, therefore, to make the very beſt uſe of the very ſhort ſpace of time that will be permitted you to remain among us; and I pray Almighty God in the attributes of his great mercy, that the very ignominious death you are about to ſuffer, and the public expoſition of your body after death, will expiate your high offence here, and reſtore you to happineſs and peace hereafter.

As the Law commands me, I now proceed to paſs this dreadful ſentence, that you, John Bond, be taken from hence to the place from whence you came, and that from thence you be taken to a place of execution, there to be hanged by the neck until you are dead; and afterwards, that your body be diſſected and anatomized.

Priſoner, the Lord have mercy upon your ſoul!

555. SARAH WOOD was indicted for feloniouſly ſtealing, on the 30th of September, in the dwelling-houſe of John Hearne, a pocket-book, value 1d. two guineas, a half-guinea, and a Bank-note, value 10l. the property of Charles Croney.

CHARLES CRONEY *ſworn.*—On the 30th of September, in the afternoon, I loſt my property in a houſe in Hearne's buildings: This woman met me in the ſtreet, about half paſt one o'clock, and I went with her to this houſe, I ſtaid there till about four o'clock; I had a 10l. note and two guineas and a half; I am ſure I had them when I went into the houſe.

Q. Did you go to bed?—*A.* No, I pulled off my long jacket, and laid it by me; I had a ſhort jacket underneath.

Q. Were you drunk or ſober?—*A.* I was not drunk when I went into the houſe. She told me, ſhe was going out, and would come back in a ſhort time; and then I miſſed my money. I had her taken up about four o'clock in the public houſe.

Q. Was your money found upon her?—*A.* No.

Q. Was any body elſe in the room with you beſides her?—*A.* There was another woman, but I did not know who ſhe was.

Priſoner. *Q.* Do not you remember my faſtening the door, and our going to bed together for an hour and a half?—*A.* No, I did not.

Court. *Q.* Had you been in bed?—*A.* No, I had been nigh hand her.

THOMAS PARSONS *ſworn.*—I keep the Blue Anchor, in Upper Eaſt-ſmithfield, facing theſe buildings: This girl came in at two o'clock preciſely, and called for a bottle of wine, half a pint of gin, and a pot of porter, and change for a 10l. note, for which I gave her regular change; ſhe went away, and in leſs than half an hour returned with 9l. 2s. and put it into my care till the morning. About five or ten minutes paſt four, ſhe returned again rather in liquor, and aſked me what ſhe had depoſited in my hands for care; I told her, 9l. 2s. In going away again, croſſing the ſtreet towards home, the proſecutor met her, and brought her back to my houſe, and there accuſed her of the robbery, which ſhe denied.

Q. Whoſe houſe is it?—*A.* A Mr. Hearne's, who lets it out in tenements.

Q. You knew her before?—*A.* Since I took the houſe, which was only on the 10th of Auguſt. They drank together for, I dare ſay, upwards of an hour, to the amount of two ſhillings and two-pence halfpenny; the altercation between them was not much, any further than he accuſed her; they went out of my houſe together, and about ſix they returned in cuſtody of the officer. *(Produces the note.)*

Q. *(To Croney.)* Is that the note that you had?—*A.* Yes, it is.

GEORGE KEARSLEY *ſworn.*—I am a milkman; I was ſerving Mr. Parſons with milk at his houſe, and while I was there, the proſecutor came in with the woman, and made a great noiſe, and ſaid, that ſhe had robbed him; ſhe ſaid, do not make a noiſe here, go home with me, and I will give it you.

Q. Are you ſure you heard her ſay that?—*A.* Yes; and then they went out, I followed them out, the proſecutor ſaid, you know there is a 10l. note and two guineas and a half you have got of mine, and I will have it; I did not hear her make any anſwer; and they went acroſs the way towards her home directly.

SAMUEL DOWSEY *ſworn.*—I am a headborough; I apprehended the priſoner: ſhe told the proſecutor, he had got the pocket-book the notes was in, and he took it out, and it was empty; ſhe told me, ſhe would call at Mr. Parſons's, and borrow ſome money to go to priſon with; I went to Mr. Parſons, and he told me he had 9l. 2s. of her's in his hands.

Q. Did the proſecutor ſay any thing about any other woman having it?—*A.* No.

Priſoner's defence. I was waiting for a halfpennyworth of milk, and this gentleman aſked me for Mr. Wright's, a taylor, I went with him and ſhewed him, and he took me into the wine-vaults, and gave me ſome liquor, then he went home with me, and he gave me a 10l. note, to get a bottle of wine, half a pint of gin, and a pot of beer, which I did; I returned with the change, and he gave it to me for the uſe of my body; I then gave it to Mr. Parſons, to take care of; and when he aſked me for it again, I told him, I would not give it him, till he had paid me for the uſe of my body, and then he went and got a conſtable.

Court. *(To Parſons.)* Does the owner of the houſe, Mr. Hearne, live in that houſe?—*A.* No, he does not; it is his houſe, but he does not live in it.

GUILTY (Aged 21.)

Of ſtealing, but not in the dwelling-houſe.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury, before Mr. Baron HOTHAM.

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556. JAMES WILSON, WILLIAM SAGGERS, WILLIAM LEE, JOHN WARD, and WILLIAM YOUNG, were indicted for feloniouſly ſtealing, on the 15th of September, a deal box, value 3s. a pair of boots, value 10s. two pair of ſhoes, value 2s. a pair or breeches, value 2s. a pair of cotton drawers, value 12d. two under waiſtcoats, value 2s. a waiſtcoat, value 2s. a cloth coat, value 2s. 6d. a dreſſing-gown, value 10s. five pair of cotton ſtockings, value 5s. ſix linen ſhirts, value 42s. thirteen muſlin cravats, value

value 13s. two cotton night-caps, value 6d. two net caps, value 2d. five pocket-kandkerchiefs, value 1s. 6d. a hat, value 2s. two razors, value 5s. a ſhaving-box and bruſh, value 12d. a cribbage-board, value 12d. a pack of cards, value 2d. and a cork-ſcrew, value 3d. the property of Richard Remnant.

RICHARD REMNANT *ſworn*.—I live at Kentiſh-town. On the 15th of September I came into town with two ladies in a poſt-chaiſe, over Black-friars-bridge, with a box and trunk faſtened to the front of the chaiſe: we ſtopped in Hatton Garden to ſet down one of the ladies; we all got out of the chaiſe, and were taking leave of the lady that we ſat down; we got into the chaiſe again, and I directed the boy to drive us the neareſt way to Kentiſh-town; he drove to the bottom of Hatton-garden, and, as I conceived he was going wrong, I called to him; he turned down Hatton-wall, into Portpool-lane, and into Gray's inn-lane; the boy there called to me, and ſaid, Sir, I am afraid the luggage is looſe; I told him to draw up and faſten it; he drew up, and I immediately miſſed the box; the trunk remained.

Q. Is the boy here?—*A.* No.

Q. How ſoon after did you ſee any of your things?—*A.* This was on the Saturday evening; I ſaw part of them again on the Monday, the 17th, at the Rotation-office, in Hatton-garden.

NICHOLAS BOYLSTONE *ſworn*.—On the 15th of September I was going up Hatton-garden about half paſt nine o'clock; I ſaw a poſt-chaiſe ſtanding at a door, and a lady getting into it, and the door open, with two trunks or packages before. I ſaw ſeveral perſons ſtanding at a little diſtance; after this the chaiſe paſſed me, and ſeveral people were running on each ſide of the way, to the number of a dozen; the chaiſe ſtopped, and after that went up Hatton-wall; the men were then checked, and one of them was very near down; they turned down Hatton-wall, I paſſed on through Hatton-wall, into Portpool-lane; I had not been in it a minute, when the ſame men returned about the ſame number, one of them having a box upon his ſhoulder; I then gave notice at the Police-office; I then went back to where I had ſeen the chaiſe ſtop, and told the gentleman of it.

JOSEPH INWARDS *ſworn*.—I am an officer belonging to Hatton-garden: On the 15th of September, in conſequence of information from the laſt witneſs, I and three more officers, Chapman, Roſe, and Oburn, went in purſuit; we went from one public-houſe to another to ſee if we could find them, we went to a ſuſpicious houſe, the Sun, in Vinegar-yard, Red-lion-ſtreet, Clerkenwell; I went into the kitchen, and ſaw the priſoners Saggers, Young, and Ward; we were going to ſecure them, and they all made a ruſh paſt us, but I ſecured Ward, and another officer ſecured Wilſon; I brought Ward into a box; we ſearched the houſe, but could not find the reſt; we ſuppoſe they got out at the top of the houſe; we found in the kitchen where they were a great number of things tied up in an apron.

Q. How far was that apron from the priſoners?—*A.* In the ſame room, but I cannot ſay that any of the priſoners were near to it; Chapman was the firſt in the room; I afterwards took Lee; when we went into the room, there were ſome papers burning in the fire; we ſaw a part of them, which I believe the proſecutor can identify.

WILLIAM ROSE *ſworn*.—I went with the laſt witneſs and two other officers, to the Sun; Wilſon made a ruſh out; I had a ſtruggle with him, and my brother officer, Chapman, aſſiſted me, and we ſecured him; then Ward was brought to us by Inwards out of the kitchen; I did not ſee any more, becauſe I was guard over them; I afterwards ſaw the things tied up in an apron, upon the table; when we were taking Ward from the box in the tap-room, there was a razor, and a handkerchief, and a neckcloth dropped from him on the ground.

Q. Might it not come from any other of the priſoners?—*A.* No, there was no other perſon near. On the Monday morning I apprehended Saggers; there had been ſome papers burning in kitchen range; we found them quite hot.

Priſoner Ward. There were ſeveral people in the box beſides me.

Roſe. There was nobody but myſelf and brother officer.

WILLIAM CHAPMAN *ſworn*.—I am an officer; I did not go in till after Ward was brought out of the kitchen; I ſtopped Wilſon; I found the apron, containing the property, in the kitchen, behind the door, upon a preſs bedſtead, *(produces it;* I ſaw nobody there that I can aſcertain, but Ward and Wilſon; when Ward was moved out of the tap-room, here is a handkerchief, and neckcloth, and razor, which were under his ſeat where he ſat; there was a fire, and papers burning, in the kitchen.

LEVI OBURN *ſworn*.—I cannot identify any body but Ward and Wilſon; I ſaw a great number of papers burning in the grate; I found the property tied up in an apron upon the bedſtead; I took theſe papers out of the fire. *(Produces ſome burnt papers)*.

Proſecutor. I packed up the box myſelf, there were two ſmall books and tradeſmen's bills that I had paid at Brighton.

Q. Look at theſe remnants of paper?—*A.* This is one of them; the neck handkerchief I can ſwear to, and to the initials of my name and the number; the

razor

razor is alſo marked, the pocket is marked in the ſame manner. *(The property found in the apron was depoſed to by the proſecutor, being moſt of them marked.)*

Wilſon's defence.—I went into the public-houſe to call for a pint of porter, and I was immediately laid hold of by theſe people, who made uſe of words very improper to mention, and treated me very ill.

Saggers's defence. Inwards ſaid, at Hatton-Garden, that he could not take upon himſelf to ſwear to me.

Q. *(To Inwards.)* Did you ſay you did not know whether Saggers was there?—*A.* I ſwore that he was there.

Ward's defence. I went into the houſe to get a pint of beer, I know nothing of it; no man here can ſay I made any reſiſtance.

Lee, NOT GUILTY.
Wilſon, GUILTY (Aged 21.)
Saggers, GUILTY (Aged 25.)
Ward, GUILTY (Aged 23.)
Young, GUILTY (Aged 19.)

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury, before Mr. Juſtice HEATH.

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557. WILLIAM GALLOWAY and JOHN MILTON, otherwiſe MULTON, were indicted for feloniouſly ſtealing, on the 5th of October, four pounds weight of bees'-wax, value 4s. the property of Valentine Labrow.

VALENTINE LABROW *ſworn.*—I live in St. John's-ſtreet, Weſt Smithfield: On Friday the 5th of October, I loſt four pounds, and upwards, of bees'-wax, from my ſhop at Iſlington; I was not in my ſhop at the time, I know nothing of it.

WILLIAM ROBERTS *ſworn.*—I live with Mr. Labrow, I keep a ſhop at Iſlington for him: On the 5th of October, between ten and eleven o'clock in the morning, I went out into the garden, I heard the door go, and I immediately came in again; I miſſed the bees'-wax, it was in the window when I went out; the conſtable followed the priſoners and brought them back, Benſon and Galloway.

Proſecutor. Benſon was admitted a King's evidence.

Roberts. Milton was not taken at that time; a piece was found upon him afterwards. *(The bees'-wax was produced by the conſtable, who depoſed, that he ſaw them run from the door, and that it was dropped by Galloway and Benſon).*

Roberts. I know this wax, it is very remarkable bees'-wax, it had been in the ſhop two months.

JAMES BENSON *ſworn.*—On the 5th of October, between ten and eleven in the morning, me and John Benſon, and William Gallaway, went up to Iſlington, and ſeeing nobody in Mr. Labrow's ſhop, Gallaway went in, and brought out a piece of white bees'-wax, and gave it to me at the door; I had not it a moment before I gave it to John Milton; we went a little way along the houſes, and then Milton croſſed the way and ſtood leaning on a poſt; me and William Galloway went back to the ſhop, and ſaw there was an opportunity again; I went in, and took the bees'-wax that is now produced, and gave it to Galloway, who was then at the door; Mr. Iſaacs then came after us, and took me and Galloway back; Milton was not taken till next morning.

Q. Are you ſure that what you have ſaid is true?—*A.* Yes.

The priſoners did not ſay any thing in their defence.

Galloway, GUILTY. (Aged 14.)
Milton, GUILTY. (Aged 16.)

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury, before Mr. Baron HOTHAM.

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558. SARAH KELLOW was indicted for feloniouſly ſtealing, on the 19th of September, a black ſatin cloak, value 15s. the property of Joſeph Pratton; and a black mode cloak, value 2s. the property of Martha Daniels.

ELEANOR PRATTON *ſworn.*—I am the wife of Joſeph Pratton, who keeps ſeveral houſes in Tripe's-yard, Spitalfields: The priſoner was employed by Martha Daniels to aſſiſt her in work for me, I lent a black ſatin cloak of mine to Martha Daniels; I do not know any thing about the mode cloak.

MARTHA DANIELS *ſworn.*—I employed the priſoner to aſſiſt me in my work: On Wedneſday the 19th of September, I went out for about five minutes, I left my own black mode cloak upon the bed; when I returned, I miſſed the cloak and the priſoner; on the Thurſday I ſaw the black ſatin cloak again, at a pawnbroker's in Tooley-ſtreet.

JAMES GATTEY *ſworn.*—I am a pawnbroker, *(produces a black ſatin cloak)*; my young man took it in of the priſoner, in my preſence, in the name of Sarah Adams, he lent ten ſhillings upon it; ſhe ſaid ſhe brought it from her mother.

Q. When was this?—*A.* The 19th of September, between eight and nine o'clock. *(The cloak produced, and depoſed to by the proſecutrix).*

Daniels. This is Mrs. Pratton's cloak, it has my work upon it, I repaired it.

Priſoner's defence. She lent me that cloak, and the other cloak ſhe gave me a month before.

Q. *(To Daniels.)* Did you lend her the cloak?—*A.* I did not. GUILTY (Aged 27).

Confined ſix months in the Houſe of Correction, and fined 1s.

Tried by the firſt Middleſex Jury, before Mr. Juſtice HEATH.

559. MAT-

559. MATTHEW MORTON was indicted for feloniously ſtealing on the 14th of September, 25lb. of pewter metal, value 18s. 9d. the property of Richard Yates.

RICHARD YATES *ſworn*.—I am a pewterer in Shoreditch; the priſoner had worked for me ſome months. On the 14th of September he came down to me, and aſked me for ſome pewter to work upon; I went out of town to Leiceſterſhire that very day, and deſired my ſon to keep an eye upon him.

EDWARD YATES *ſworn*.—I went up into a place adjoining where the priſoner worked, nothing but a deal partition parted it; I ſaw him through a crack let down his breeches, and put a large piece of metal that I have here into his breeches; he was alone at that time; there is only room for one perſon to work where he was; then he put out his candle, and came down ſtairs; I watched him out at the door, and called him back into the accompting-houſe, and ſent for an officer, who took the property from him; he alſo took another piece from under his arm, which I had not ſeen.

JOHN ARMSTRONG *ſworn*.—I am an officer; I took this piece from under the priſoner's coat, and this from out of his breeches. *(Producing them)*.

Yates. This is exactly the ſame ſort of pewter that we gave him; I ſuppoſe that is about the ſame quantity that was given him; it is what we call our fineſt metal; it is worth to me nine pence halfpenny a pound.

Priſoner's defence. What I am indicted for I am guilty of, I hope for the mercy of the Jury.

Court. (To Yates.) Q. How long has he lived with you?—*A*. Six months, during all which time I have been robbed.

GUILTY. (Aged 30.)

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury, before Mr. Baron HOTHAM.

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560. RICHARD JACKSON was indicted for feloniouſly ſtealing, on the 29th of September, nineteen pigs, value 20l. the property of Jonathan Nevitt.

JONATHAN NEVITT *ſworn*.—I am a farmer, at Ealing; I had ſeen the priſoner once or twice before I loſt my pigs, they were loſt on the Friday night, the 28th, I told them all about five o'clock, I miſſed them the next morning; about half paſt five o'clock my man called me, and told me the pigs were ſtolen, he is not here; the lock was broke open; I went in purſuit of the pigs, and overtook them in Cumberland-mews; the priſoner was driving them, he had ſold five of them; I told him they were my property, and he was a priſoner of mine; then I took him away to a public-houſe about a quarter paſt ſeven in the morning; I am ſure they were my pigs, I have had ſix of them ever ſince March laſt, I found fourteen upon him.

Q. You cannot ſwear to all of them, I ſuppoſe?—*A*. Yes, I can ſwear to them all; the priſoner told me he was ordered by a man to drive them from Hammerſmith, and if he could ſell any of them he was to ſell them; that he was to have half-a-crown a piece for ſelling them.

WILLIAM-HENRY HALL *ſworn*.—I am a conſtable of Mary-le-bone pariſh; I know nothing more than taking the priſoner into cuſtody from Mr. Nevitt; I ſaw the pigs in the yard.

Q. Did he ſay where he was driving them to?—*A*. No.

JOHN ATWELL *ſworn*.—I am a labouring man, I live near the King's-head, in the Edgware-road; the priſoner ſtood with the pigs about a quarter paſt ſix in the morning; he aſked me if I knew any place he could put them in to give them ſome beans; I told him I did not; he aſked me if I thought any body would take notice if he drove them under the gateway in the mews, and I told him I dare ſay he would not be interrupted; he told me he had bought the pigs very reaſonable, and he could ſell them cheap, they were different ſizes, he ſold one for ten ſhillings.

Q. What was the value of it?—*A*. I cannot tell, I ſaw him take the money for it, and then the man bought the fellow to it; the man ſaid, he thought they were over-driven, and were not well; he ſaid, no, they had only come from Colnbrook, and he had brought them from Hammerſmith that morning, and then I agreed for the two biggeſt of them, and as I was driving them away, Mr. Nevitt came up upon his mare, and collared the priſoner.

Q. *(To Nevitt)*. What was the value of your pigs?—*A*. I was offered three guineas a piece before harveſt for them.

Priſoner's defence. Coming through Hammerſmith, there was a man with theſe pigs, and he told me to drive them to the Wilkes's-head, near Tyburn-turnpike, and if I could ſell a few of them, I was to have two ſhillings and ſixpence a piece for ſelling them. GUILTY (Aged 26.)

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury, before Mr. Juſtice HEATH.

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561. JAMES WALKER was indicted for that he, in the King's highway, in and upon Sarah, the wife of Lazarus Lacey, did make an aſſault, on the 13th of October, putting her in fear, and taking from her perſon four men's muſlin double neck-handkerchiefs, value 3s. 6d. two men's

men's ſingle muſlin neck handkerchiefs, value 2s. two muſlin neck handkerchiefs, value 2s. a muſlin cap, value 12d. a muſlin worked apron, value 2s. and a ſilk handkerchief, value 6d. the property of the ſaid Lazarus.

SARAH LACEY *ſworn.*—I am the wife of Lazarus Lacey. On the 13th of October, I was going home with my linen that I had waſhed, very near upon half an hour after eight o'clock in the evening, there were ſix neckcloths belonging to a gentleman, ſeveral handkerchiefs, and belonging to a lady, one cap and one apron. As I was going through King-ſtreet, Seven-dials, the priſoner at the bar came walking very quick behind me, he put his arm over my left ſhoulder, and ſnatched it from me, and ran away; I followed him, and cried ſtop thief; he was ſtopped immediately by the watchman; he dropped the bundle, and I picked it up.

VALENTINE ROMLEY *ſworn.*—I am watch-houſe keeper, *(produces the property)*; I received theſe things from one of my watchmen, at the watch houſe.

Q. (To Mrs. Lacey.) Look if you can ſwear to any of theſe things?—*A.* I can ſwear to them all.

JOHN HALSEY *ſworn.*—I am a watchman; I heard a cry of ſtop thief; I ſaw the priſoner running, and I ſaw him ſtopped the corner of Belton-ſtreet, the woman was running cloſe behind me.

THOMAS FAULKNER *ſworn.*—I am a watchman; I ſtopped the priſoner, and threw him down till the laſt witneſs came up to help me.

Priſoner's defence. I was very much in liquor, I know nothing of it; if you will forgive me this time, I never will be guilty of the like again.

GUILTY (Aged 30.)

Of ſtealing, but not violently.

Confined ſix months in the Houſe of Correction, fined 1s. and diſcharged.

Tried by the firſt Middleſex Jury, before Mr. Baron HOTHAM.

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562. THOMAS SPARKES was indicted for feloniouſly ſtealing on the 21ſt of September, one hundred pounds of raw ſugar, value 2l. 10s. ſeven pounds of tea, value 14s. one pound eight ounces of pepper, value 1s. five ounces of ginger, value 2d. ſeventeen pounds of leather, value 1l. 5s. fifty-nine balls of twine, value 19s. ſeven quires of writing-paper, value 3s. 6d. fifty pens, value 1s. two ſpike bits, value 3d. nine gimblets, value 6d. ſeventy-ſix yards of Heſſian cloth, value 2l. 10s. ſix pieces of calico, value 3s. three iron ſhovels, value 6d. three iron crows, value 2s. two planes, value 1s. 6d. an iron hatchet, value 6d. an iron hammer, value 6d. twenty pounds of iron nails, value 10s. and three Heſſian bags, value 4s. the property of the United Company of Merchants trading to the Eaſt-Indies.

Second Count. For ſtealing like goods, laying them to be the property of certain perſons to the Jurors unknown.

(The caſe was opened by Mr. Knapp).

THOMAS JOYCE *ſworn.—Examined by Mr. Knapp.* I am one of the elders of the warehouſes of the Eaſt-India Company, at their warehouſes, in Parker's-gardens, in the Minories; the priſoner was ſtore-keeper to the Company in thoſe warehouſes; he has been in that office above ten years.

CHARLES STEWART *ſworn.*—I am a labourer employed in the Company's warehouſes, in Crutched-friars; I ſaw the priſoner ſelling ſome Heſſian, upon which I gave information to the elders, and Armſtrong and I went to the priſoner's lodgings, in Artillery-ſtreet, with a warrant, I have known it to be his lodgings for years paſt; we found a great quantity of ſtores belonging to the Company; Armſtrong has had them ever ſince.

JOHN ARMSTRONG *ſworn.*—I went with a warrant to the priſoner's lodgings, *(produces the property)*; I have had them ever ſince.

Q. (To Mr. Joyce.) Look at theſe things, and tell us if you had any ſuch things in the warehouſes?—*A.* Here are ſeven pounds of tea, and here is an iron crow with the Company's mark upon it; here are three ſhovels, with the Company's ſtamp upon them, and here is a quantity of Heſſian, ſuch as he had the receiving of, and giving out; there is nothing here but what we have in great numbers; I have every reaſon to believe they are the Company's property.

Croſs-examined by Mr. Conſt. *Q.* Do you know theſe things by the marks only?—*A.* By the mark only, and beſides the Company's mark, there is P G upon them.

Q. Do the Company ever diſpoſe of them after they are done with?—*A.* They never have ſince I have belonged to the Company.

WILLIAM PEACH *ſworn.*—I apprehended the priſoner, and the moment I ſearched him, in his waiſtcoat pocket I found this piece of cord; we had no converſation with him at all.

The priſoner did not ſay any thing in his defence, but called nine witneſſes, who had known him from ſeven to forty years, who gave him an excellent character.

GUILTY (Aged 55.)

Confined ſix months in the Houſe of Correction, fined 1s. and diſcharged.

Tried by the firſt Middleſex Jury, before Mr. Juſtice HEATH.

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563. SARAH MARSHALL was indicted for feloniouſly ſtealing on the 20th of September, ſeven pair

pair of cotton ſtockings, value 7s. and a pair of pockets, value 12d. the property of Elizabeth Field, widow.

ELIZABETH FIELD *ſworn.*—I am a widow, I take in waſhing: On the 20th of September, I think it was Friday, I loſt ſeven pair of cotton ſtockings and a pair of pockets out of the yard, where I had hung them to dry; I was coming down ſtairs to take them in, and ſaw the woman at the bar going out with them in her apron; I live in St. Andrew's-ſtreet, Seven-dials; upon ſeeing her, I went up to her, and ſaid, ma'am, I beg your pardon, I think you have got ſomething there belonging to me; I then ſaw the ſtockings hang out; then ſhe ſaid, if I would let her go, I might have them again, if they were mine; I then called for aſſiſtance, and knocked at the door; a young woman came to my aſſiſtance, and I ſent for a conſtable; I had loſt other things that ſame evening. *(The conſtable produced the property, which was depoſed to by Mrs. Field).*

ANN BLACKBURN *ſworn.*—I was at work for Mrs. Field; I heard the alarm, I went down ſtairs, and Mrs. Field had hold of the priſoner by the petticoat; ſhe ſaid, ſhe had robbed her, and the property hung between Mrs. Field and her, and one ſtocking hung upon her arm; I took her towards the yard, and held her till ſome people came to my aſſiſtance.

Priſoner's defence. I was not ſober when I went into the yard. GUILTY (Aged 23.)

Confined ſix months in the Houſe of Correction, fined 1s. and diſcharged.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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564. WILLIAM BOWERS was indicted for feloniouſly ſtealing, on the 20th of September, four carpenter's planes, value 5s. the property of Robert Mitchell.

ROBERT MITCHELL *ſworn.*—I am a journeyman carpenter; I loſt four planes on the 20th of September, out of the lower part of a houſe I was at work in repairing in Henrietta-ſtreet, Covent-garden; I was uſing them in the morning that I miſſed them in the afternoon.

Q. Do you know any thing of your own knowledge about his taking them away?—*A.* No.

JOHN FIELDING *ſworn.*—I am a waiter at the Burton alehouſe, Henrietta-ſtreet, *(produces the planes)*; the priſoner threw them down at the door; I ſaw him tucking ſomething under his coat, and I called my maſter to aſk if he was at work there, and he ſaid, no; I followed him, and took him; he told me he had borrowed the planes of one of the men; this was about three in the afternoon of Thurſday, the 20th of September.

Priſoner's defence. I went into the parlour and brought them out, and they followed me, I put them down at the door; neceſſity was the cauſe of it.

Mitchell. I know theſe to be my planes, I was at work with them at the ſame time, I have had them ſeven years.

GUILTY (Aged 50).

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury, before Mr. Juſtice HEATH.

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565. ELIZABETH BROWN was indicted for feloniouſly ſtealing on the 18th of October, eleven yards and a half of cotton, value 17s. the property of Robert Waithman and Charles Briſtow, privately in their ſhop.

THOMAS MYERS *ſworn.*—I am ſervant to Meſſrs. Robert Waithman and Charles Briſtow, linen-drapers, the corner of Fleet-ſtreet; the priſoner at the bar came in on the 18th of October; a lady had dropped her glove, and the priſoner ſtooped to look for it; ſhe picked it up, and at the ſame time picked up a piece of print that lay at her feet upon the ground, and threw it upon the counter; ſhe looked at ſeveral pieces of print, which ſhe objected to; I ſhewed her ſome more, and ſhe aſked me the price of one, and I meaſured it; I told her it was twenty-three pence a yard, that there were ſix yards of it, good meaſure, and ſhe ſhould have it for eleven ſhillings and ſixpence; ſhe then wiſhed me to meaſure another; ſhe ſaid ſhe wanted it for herſelf and the child, when ſhe firſt came in; ſhe ſaid ſhe wanted ſomething of the mourning kind, as her huſband had been killed in Nelſon's victory; ſhe at firſt had her child looſe in her arms, but afterwards ſhe had got her gown up round the child's neck, and up to her own neck; ſhe then aſked me if half-a-guinea would not do for the quantity I had aſked her eleven ſhillings and ſixpence for; ſhe then got up, and ſaid ſhe would call her mother; I aſked her if ſhe was not capable of buying a gown without her mother's approbation; ſhe ſaid, ſhe was only at the door, and ſhe would call her; I then jumped over the counter, ſhe was never out of my ſight; ſhe called out ſome woman's name, I cannot ſay rightly what; ſhe then ſtepped out to the door, I went with her; ſhe called outſide the door, but no perſon came; then ſhe ſaid ſhe would go over the way, I wiſhed her not, and ſaid her mother would come to her, as ſhe knew ſhe was come to buy a gown, or ſomething to that purpoſe; ſhe went over the way, and I went with her, I believe I had hold of her arm all the way; after ſhe had got over the way, ſhe began calling out the ſame name again; then ſhe went into the liquor-ſhop, Mr. Wright's,

Wright's, and enquired if her mother had been there, or her ſiſter, I am not ſure which; a perſon made anſwer, that there was nobody there; ſhe then came out; I believe at firſt ſhe wiſhed to go down Fleet-market, I ſaid ſhe ſhould not, till ſhe had been to our houſe again, as I was apprehenſive ſhe had got ſomething; ſhe began calling out again, and in the courſe of a minute or two ſhe aſked a boy where her mother was, and at laſt I think the boy ſaid, ſhe was gone home; then a man came up, whom ſhe called her huſband or her brother, I do not know which, and ſhe told him that ſhe had been to look at a gown, and ſhe wiſhed her mother to ſee it, and that the young man, meaning me, would not let her go till ſhe went back; ſhe then ſaid ſhe would go, but wiſhed to deliver the child up to this man, which I would not let her do; ſhe then began looſening her gown a little; I had deſired a perſon to go over to our houſe, and tell them that I wanted them; ſhe then ſaid ſhe would go with me, and ſhe immediately dropped the cotton upon the ground; I picked it up, and ſent for a conſtable.

Q. Are there any other partners in the houſe?—*A.* No.

——— WEATHERFIELD *ſworn.*—I am a conſtable. *(Produces the property).*

Myers. It has Waithman and Briſtow's private mark upon it; I am confident it was in the ſhop when the priſoner came in; I recollect ſhewing it.

Priſoner's defence. Nothing dropped from me of the kind; I had a half-guinea in my hand to purchaſe a gown and a frock for my child; I have three ſmall children; my huſband was killed in the late victory; I come of a very reſpectable family, my father is a clergyman, and I did not chuſe to expoſe myſelf to my own family, or I could have had many friends here.

THOMAS MALING *ſworn.*—I am clerk to Mr. Prickett, cabinet-maker, in Alderſgate-ſtreet; I have known her from a child at ſchool; ſhe was married to a young man, who is ſince dead; ſhe has two children, beſides the one ſhe has in her arms; ſhe has always borne a good character; ſhe belongs to a very reſpectable family, and was well brought up, her father is a clergyman in the country.

The priſoner was recommended by the Jury to the mercy of the Court.

GUILTY (Aged 24).

Of ſtealing, but not privately.

Confined ſix months in Newgate, fined 1s. and diſcharged.

Tried by the London Jury, before Mr. COMMON SERJEANT.

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566. MARY BATTERSBY was indicted for feloniouſly ſtealing, on the 22d of October, a baſe metal watch gilt with gold, value 2l. the property of William Plumley, privately in his ſhop.

Second Count. Laying it to be the property of Peter Upjohn.

WILLIAM SINFIELD *ſworn.*—I am a ſhopman to Mr. Plumley, ſilverſmith and watch maker, Ludgate-hill: On Monday, about four o'clock in afternoon, the priſoner came into my maſter's ſhop, to look at ſome watches, I ſhewed her ſeveral; ſhe wiſhed to look at one with the old faſhioned figures on the dial plate, ſhe ſaid, it would ſuit better; upon that, I looked into the window, to ſee for one of that deſcription, but not having one, ſhe ſaid, ſhe would let the perſon know, they lived over the bridge; upon that ſhe went on to the ſhop of Mr. Jones, in Fleet-ſtreet, a pawnbroker. I ſaw no more of the priſoner till I ſaw her the next morning, before the Magiſtrate.

Q. Was there any body elſe in the ſhop at the time?—*A.* No, nobody. About two hours after ſhe had left our ſhop, Mr. Jones ſent to our houſe, there was a watch of our's found upon her, and then I heard that ſhe was in cuſtody.

Q. Had you miſſed that watch?—*A.* No, I had not, nor I do not recollect ſhewing her that watch, I did not miſs it till the conſtable ſhewed it me; according to our books, it anſwers in the name and number to one that we had.

JOHN SMITH *ſworn.*—I live in Wine-office-court; I was in Mr. Jones's ſhop when this woman came in and aſked to look at ſome watches, on Monday, about half paſt four; Mr. Jones ſhewed her ſome, but ſhe wanted to ſee one with a green caſe, ſhe ſaid, it was for a lady; in conſequence of ſome ſuſpicion, ſhe was ſtopped, and a watch found concealed under her cloak, that ſhe had taken from Mr. Jones's counter; I ſaid, you have taken more than one; upon that I ſearched her, and found one in her pocket; I aſked her, where did you ſteal this from; ſays ſhe, I took it out of a ſhop in Cheapſide; ſays I, you had better ſend for a conſtable, and ſhe ſaid, if you will go along with me, I will ſhew you where I took the watch from, may be the man will forgive me, or ſomething to that purpoſe. We then ſent for a coach, and ſent her to the Compter.

Q. What became of that watch that was found in her pocket?—*A.* I gave it to the conſtable when he came. I forgot to mention that I aſked her, what part of Cheapſide, and ſhe ſaid, on the ſame ſide as Fleet-market, between that and St. Paul's Church-yard; we went to the different ſhops about Cheapſide and Ludgate-ſtreet, and found that Mr. Plumley had loſt a watch anſwering to the name and number.

JOHN YOUNGHUSBAND *ſworn.*—I am a conſtable,

ſtable: *(produces the watch in queſtion)*; as I was going with the priſoner to the Compter, in a coach, ſhe told me, ſhe never did ſuch a thing before, that ſhe was driven to it by diſtreſs.

Q. Did you tell her you would forgive her, if ſhe confeſſed it?—*A.* No, I told her the law muſt take it's courſe. She ſaid, ſhe had it from a ſhop on the ſide of the way that Fleet-market is on, and before we came to St. Paul's, I enquired, as I came home, at the different ſhops, and found that Mr. Plumley had loſt ſuch an one.

PETER UPJOHN *ſworn.*—The name and number correſponds with the memorandum that I have; Mr. Plumley had ſuch a watch of me to ſell for me.

Q. Does it ever happen that the ſame name and number is put upon more watches than one?—*A.* It may, from different manufactories.

Q. Do you believe that to be a watch that you had ſent to Mr. Plumley's?—*A.* As far as human nature can ſay, I believe it is.

Priſoner's defence. I did it from diſtreſs, I hope the gentlemen will forgive me.

GUILTY of ſtealing, value 4s. 6d. (Aged 33.)

Tried by the London Jury, before
Mr. COMMON SERJEANT.

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567. MARGARET BATTERSBY was again indicted for feloniouſly ſtealing, on the 22d of October, a baſe metal watch gilt with gold, value 2l. 5s. the property of Thomas Jones, in his dwelling-houſe.

THOMAS JONES *ſworn.*—I am a ſilverſmith and pawnbroker, in Fleet-ſtreet: On Monday laſt, the priſoner came into my ſhop between four and five o'clock, and deſired me to ſhew her ſome watches, I ſhewed her ſome; ſhe wiſhed to look at one in the window, in a green caſe, I ſhewed it to her; after ſeeing that, that did not pleaſe her, ſhe wiſhed to look at a thin one, becauſe they were more faſhionable than the others; then, after ſeeing that, ſhe wanted to look at ſome wedding rings, I ſhewed her one, which ſhe put upon her finger, and which was rather too tight for her, I aſſiſted her in taking it off; in the mean while, with the other hand, I ſaw her drop her cloak over the watches, my ſuſpicion was well grounded, ſhe conveyed one of the watches under her cloak, which I ſuppoſe ſhe put in her pocket; I immediately laid hold of her by the ſhoulder, and aſked her where ſhe was going with that watch; I ſearched her, and took it out of her hand; Mr. Smith laid hold of her, and took it out of her hand.

John Younghuſband produced the watch.

Jones. This is the watch I had ſhewn her, it has my private mark upon it.

Priſoner's defence. I did not do it from any bad principle, but from diſtreſs.

GUILTY of ſtealing to the value of 39s.

Tranſported for ſeven years.

Tried by the London Jury, before
Mr. COMMON SERJEANT.

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568. JAMES KIRK was indicted for feloniouſly ſtealing, on the 15th of October, four worſted ſtocking-pieces, value 2l. 4s. the property of Joſeph Peart, in his dwelling-houſe.

JOSEPH PEART *ſworn.*—I am a hoſier, No. 12, and 13, in the Poultry; I ſaw nothing of this tranſaction myſelf, I have no partner, I live in the houſe.

JOHN COFFEE *ſworn.*—I am an officer of Cheap Ward: On the 15th of October, about half paſt five in the evening, I was going with four letters to the Poſt-office, for Alderman Boydell, I am porter to him; I ſaw the priſoner at the bar, and another, taking notice of different ſhops, which gave me a ſuſpicion of him; when I came to No. 12, in the Poultry, I ſaw this lad ſtop at the proſecutor's ſhop, the young lad in the ſhop appeared to me to be going to take a candle down into the cellar; as ſoon as ever the lad had turned his back the priſoner went in, and brought out four ſtocking-pieces; when he came out, I immediately laid hold of him with my right-hand; he then dropped the pieces, and I picked them up; he called out to ſeveral different names, and bit me; I directly threw him into Mr. Harper's ſhop, till I got aſſiſtance to take him to the Compter. *(Produces them).*

Proſecutor. I believe them to be my property, I cannot poſitively ſay they are mine.

Q. But were the ſtockings that were in your ſhop your property?—*A.* Moſt certainly.

Priſoner's defence. I know nothing at all about it, I never was in the ſhop.

GUILTY of ſtealing to the value of 39s.

Tranſported for ſeven years.

Tried by the London Jury, before
Mr. COMMON SERJEANT.

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569. HANNAH HARDCASTLE was indicted for feloniouſly ſtealing, on the 1ſt of October, ſix yards of calico, value 15s. the property of William Gibſon.

WILLIAM GIBSON *ſworn.*—I live at No. 103, Newgate-ſtreet: On Monday evening, the 1ſt of October, about ſix o'clock, I loſt ſix yards and rather more than a half of calico, it was hanging upon a horſe juſt within the door; I had ſeen it about two minutes before, there is a witneſs here that ſaw it taken.

—— ROWBOTHAM *ſworn.*—I was going along Newgate-

Newgate-ſtreet, I ſaw the priſoner at Mr. Gibſon's door pulling at ſomething, I followed her, and laid hold of her; ſhe had a piece of calico in her hand, and I took her and the calico into the ſhop.

—— WOODMAN *ſworn.*—I am a conſtable. *(Produces the property).*

Q. (To Rowbotham.) Can you ſay that that is the ſame calico?—*A.* I believe it is; it is the ſame colour and pattern.

Gibſon. I know this to be mine; it has no mark upon it, but I know it from ſeveral imperfections in the printing of it. *(Pointing them out).*

Priſoner's defence. I was looking at the quality and width of this piece of calico, when it fell into my hand, and that gentleman laid hold of me juſt as I was going to take it into the ſhop.

The priſoner called three witneſſes, who gave her a good character.

GUILTY (Aged 20.)

Tranſported for ſeven years.

Tried by the London Jury, before Mr. Baron HOTHAM.

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570. MARY BARRETT was indicted for feloniouſly ſtealing, on the 23d of September, four pounds of ſoap, value 3s. two ounces of tea, value 6d. a quarter of a pound of ſugar, value 2d. a quarter of a pound of bacon, value 3d. and an earthen-ware pint mug, value 9d. the property of Robert Taylor.

ROBERT TAYLOR *ſworn.*—I keep a grocer's and cheeſemonger's ſhop, in Marſhall-ſtreet, Carnaby-market: The priſoner was my ſervant, I had ſome time ſuſpected I had been robbed; one Sunday evening, the 23d of September, I requeſted her to take up a ſaucer, for fear it ſhould be broke, that had been ſet down to the dog, and as ſhe ſtooped to take it up, a large piece of ſoap dropped from her breaſt; I aſked her what it was, and ſhe ſaid, a log of chump wood; I inſiſted upon ſeeing it, and found it to be ſoap; upon ſearching her perſon, I found about four pounds, there were two bars concealed in a very curious manner, tied up in one corner of her ſhift; ſhe had thrown her ſtays into her box, and ſtowed ſugar all round her body.

Q. Did you tell her it would be either better or worſe if ſhe did not confeſs?—*A.* No, I did not.

Priſoner's defence. I took the ſoap to waſh my things. GUILTY (Aged 15.)

Confined one year in the Houſe of Correction, and fined 1s.

Tried by the firſt Middleſex Jury, before Mr. Juſtice HEATH.

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571. ANN FORBES was indicted for feloniouſly ſtealing, on the 14th of March, a pair of linen ſheets, value 7s. a pair of bellows, value 12d. a braſs candleſtick, value 8d. and an iron fire-ſhovel, value 6d. the property of Joſeph Prieſt, in a lodging-room.

JOSEPH PRIEST *ſworn.*—My wife let the priſoner the lodging, I was not at home.

MARY PRIEST *ſworn.*—I live in William-ſtreet, Shoreditch: On the Saturday in March the priſoner came to me, and aſked for a ready furniſhed room; I let her a one pair of ſtairs room for half-a-crown a week, ſhe ſaid her huſband was in the country; ſhe came in on the Saturday, and went away on the Tueſday; I gave her a light on the Tueſday night, but whether ſhe ſlept there or not I cannot ſay, I did not ſee any thing of her again till I took her; when ſhe was gone I miſſed the things mentioned in the indictment, I have never found any of them ſince; I took her up the 3d of this month, when the grand rejoicing night was; I met her by accident, and knew her by the lightneſs of the night.

Proſecutor. I broke open the room, and miſſed the things mentioned in the indictment.

Priſoner's defence. I was diſtreſſed for a lodging and I took this, I am as innocent as the child unborn; I have lodged ever ſince June laſt within two hundred yards of him, I went out a chairing, and ſent the key to him by another lodger of his.

Q. (To Prieſt.) Are you in the habit of letting your lodgings or your wife?—*A.* If I am at home I let them myſelf, if I am not ſhe lets them.

Q. You ratify what your wife does?—*A.* Yes.

GUILTY (Aged 50.)

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury, before Mr. Baron HOTHAM.

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572. ANN HARDMAN was indicted for feloniouſly ſtealing, on the 21ſt of September, five ounces of nutmegs, value 10s. eighteen pounds of ſoap, value 15s. a jar filled with vinegar and gherkins, value 3s. a carpet-broom, value 2s. 6d. a clothes-bruſh, value 2s. and two yards of black lace, value 12d. the property of Joſeph Vollam.

JOSEPH VOLLAM *ſworn.*—I am an oilman in Wardour-ſtreet: The priſoner was my ſervant ſix or ſeven months; I know nothing of the tranſaction myſelf.

JOHN HAWTHORNE *ſworn.*—I am a conſtable of St. Ann's: About eleven o'clock at night I was ſent for to take the priſoner into cuſtody.

Mr. Vollam. I was preſent when the things were taken out of her boxes, they were ſearched in the priſoner's preſence, in the back kitchen; there was a jar of vinegar and gherkins, and a clothes-bruſh, and two yards of black lace locked up in her box; it was impoſſible for me to miſs theſe things out of about thirty or forty thouſand articles; the property is moſt of it here; the ſoap was found upon the ciſtern.

Q. How

Q. How do you know the priſoner at the bar ſtole that ſoap?—*A.* I believe either ſhe or the man that was in bed with her did; I found a man in bed with her between eleven and twelve o'clock at night; the nutmegs were found upon the top of the bureau bedſtead.

Q. How do you know ſhe put them there?—*A.* I do not know; it is impoſſible to ſwear to any articles in my ſhop.

Q. Do you know any thing of the lace?—*A.* No.

Croſs-examined by Mr. Gurney. Q. This perſon who was with the priſoner, I believe, you had ſome acquaintance with?—*A.* He was an acquaintance of my wife's ſiſter.

Q. The only things found in the box were the bruſh and the lace, and the gherkins?—*A.* Yes.

Q. And the only thing you have any mark upon is the bruſh?—*A.* Yes.

Q. Will you ſwear you had never ſold that bruſh?—*A.* Yes; I will ſwear I never ſold one like that in my life.

Q. I believe you had a gentleman a lodger?—*A.* Yes.

Q. You will not ſwear that ſhe had not taken that bruſh to bruſh that gentleman's coat?—*A.* He had a man to bruſh his coat.

Q. But will you ſwear that ſhe never did?—*A.* I think I could.

The priſoner did not ſay any thing in her defence, but called one witneſs, who had known her ſeven years, and gave her a good character.

GUILTY (Aged 30.)

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury, before Mr. Juſtice HEATH.

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573. JOHN KINGSBURY and MARY SLANEY were indicted, the firſt for feloniouſly ſtealing, on the 20th of September, three pair of women's ſhoes, value 11s. and two pair of children's leather ſhoes, value 3s 6d. the property of John Cartwright; and the other for receiving the ſame goods knowing them to have been ſtolen.

There being no evidence to affect the priſoners they were Both ACQUITTED.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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574. SARAH THOMAS was indicted for feloniouſly ſtealing, on the 29th of September, a half-guinea, the property of William Hayward.

WILLIAM HAYWARD *ſworn.*—I am a journeyman ſmith: On Saturday the 29th of September, between the hours of eleven and twelve at night, I loſt half-a-guinea.

Q. Were you drunk or ſober?—*A.* Quite ſober. As I was going home on Saturday night, at the corner of Portland-ſtreet, I met the priſoner, ſhe ſaid ſhe was very cold, and aſked me to give her ſomething to drink; I gave her a glaſs of liquor at the door of a public-houſe in Portland-ſtreet; I was within a minute's walk of my own houſe, and this woman pulled me about, and I caught her hand in my waiſtcoat-pocket; I took hold of her hand, and ſqueezed it againſt my ſide that ſhe ſhould not draw my money out; then ſhe drew her hand out of my pocket ſo cloſe, that I could not perceive that ſhe had taken any money out; I then went into the public-houſe, and had a glaſs of gin, to ſee whether I had loſt any money or not, and I miſſed half-a-guinea, and ſome ſilver, I had about nineteen ſhillings in my pocket in all; I ſent for a conſtable, and he found the half-guinea in her mouth, at the watch-houſe, I ſaw him take it from her.

HENRY BATES *ſworn.*—I belong to Mary-lebonne watch-houſe: The priſoner was brought in by the watchman and proſecutor, nigh upon twelve o'clock at night; the proſecutor ſaid he had been robbed of half-a-guinea, and ſome ſilver; I was ſearching her for near a quarter of an hour, I made her open her mouth, and I heard ſomething grind againſt her teeth; I did not like to put my fingers into her mouth, and I got the bowl of the watch-houſe key into her mouth, and then I took it out. *(Produces the property).*

Proſecutor. I believe this to be my half-guinea.

WILLIAM HEARNE *ſworn.*—I am a watchman: I put the key into her mouth, and the half-guinea dropped out.

Priſoner's defence. I met with a gentleman who took me to a houſe in Wimpole-ſtreet, I was with him near three hours, he walked with me back into Cavendiſh-ſquare, and gave me half-a-guinea and ſome ſilver, and I was to meet him the next evening at eight o'clock; I went a little further, and there was a man in liquor, not this man, who aſked me if I would have ſomething to drink; he had a glaſs of gin, and I had a glaſs of peppermint, and in pulling out my money to pay for it he ſaw the half-guinea; when I came out, he ſaid, he would have that half-guinea; I told him it was my own, and he ſaid he would have it, and he called the watchman, and they took me to the watch-houſe; I never ſaw the proſecutor in my life till the day after I was taken to the watch-houſe.

GUILTY (Aged 36.)

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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575. RICHARD-WARNER WILSON was indicted for feloniouſly ſtealing, on the 19th of September, two pewter pint pots, value 2s. the property of William Stevens.

JOHN CORBOULD *ſworn.*—The proſecutor keeps a public-houſe the corner of Wimpole-ſtreet and Mary

Mary-le-bone-ſtreet: I ſaw the priſoner take two pint pots from a door, about two doors from the proſecutor's, he paſſed me, and I gave information to Mr. Stevens, who came up and claimed them as his; the priſoner ſaid, he had taken them from diſtreſs.

WILLIAM STEVENS *ſworn.*—I am a publican: I found ſome pots upon the priſoner, two of them were my own property, they have my name upon them.

Priſoner's defence. I have been an inhabitant of St. James's, Clerkenwell, I have brought up eleven children, I have had five paralytic ſtrokes, and they will not take me into the workhouſe.

GUILTY (Aged 59.)

Confined one years in the Houſe of Correction, and fined 1s.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice HEATH.

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576. JANE SKELTON and ELIZABETH CARROLL were indicted, the firſt, for feloniouſly ſtealing, on the 16th of October, a linen ſheet, value 8s. the property of Nicholas Alſton, and the other, for receiving the ſame, knowing it to have been ſtolen.

There being no evidence to affect the priſoners, except that of an accomplice, they were Both ACQUITTED.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice HEATH.

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577. RICHARD GARDINER was indicted for feloniouſly ſtealing, on the 4th of October, ſix coal ſacks, value 15s. the property of William Windle and Charles Windle.

The proſecutor being called, but not appearing, his recognizance was ordered to be eſtreated.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. Baron HOTHAM.

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578. WILLIAM AMBRIDGE was indicted for feloniouſly ſtealing, on the 19th of October, a cheſt, containing 89 lb of tea, value 20l. the property of Matthew Bell.

Second Count. Laying it to be the property of Joſeph Ball.

MATTHEW BELL *ſworn.*—I am a tea-dealer, in Goodge-ſtreet: On the 19th of September, I loſt a cheſt of tea, on the road from the Company's warehouſes to my houſe; I can only prove the identity of the cheſt.

SARAH BALL *ſworn.*—I keep town carts, I ply at the warehouſes: I was employed on Friday, the 19th of September, to carry ſix cheſts of tea to Mr. Bell's houſe, I was preſent at the loading of them, there were thirteen in the cart, but ſix only belonging to Mr. Bell; they were loaded about five o'clock in the afternoon from the warehouſes in Fenchurch-ſtreet; I had two men to go with the cart, one to drive, and the other to watch the property.

JAMES BACCUS *ſworn.*—I drove the cart: As I was going pretty ſharp through Broad-ſtreet, St. Giles's, one hyſon cheſt jerked off the copſe of the cart, I turned round and put that cheſt upon the copſe again, where it was before; I then looked at the tail of the cart, and found the rope had been cut; I did not ſee the priſoner, but, upon turning round, I ſaw the cheſt upon the ground, in the poſſeſſion of the officers.

WILLIAM CHAPMAN *ſworn.*—I am an officer: On Friday evening, a little after ſix o'clock, I and three of my brother officers going up Holborn, ſaw the priſoner and another, as I thought, dodging a cart loaded with tea, we followed them up Holborn, and about Little Turnſtile, the priſoner went to the tail of the cart, he then went back again to his companion, and they kept on even with the cart till they came into Broad-ſtreet, St. Giles's; about the middle of Broad-ſtreet, St. Giles's, the priſoner went to the cart, and thruſt the cheſt down to the ground from the hind part of the cart; his companions directly went to aſſiſt him, and then all four of us went to lay hold of him; the priſoner ran up Compton-ſtreet, and I followed him, I never loſt ſight of him; the carter was along ſide of his horſes, and the other man upon the copſe of the cart; I did not ſee him cut the rope, but I found this knife in his pocket, *(producing it.)* *The cheſt of tea produced.*

Q. Was it light or dark?—*A.* It was juſt about the lighting of the lamps, about ſix o'clock.

LEVY OBURN *ſworn.*—I am an officer: I know nothing more than Mr. Chapman has ſaid; I never loſt ſight of the priſoner.

Priſoner's defence. I am innocent of the charge that is laid againſt me.

Oburn. The priſoner made uſe of very bad expreſſions, he ſaid, he would cut our bloody lifetimes out, and it was half an hour before we could tie his hands, he was ſo very obſtreperous.

Mr. Bell. I know this cheſt to be my property.

Mrs. Ball. This is one of the cheſts that I ſaw put into the cart.

GUILTY (Aged 20.)

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury, before Mr. Baron HOTHAM.

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579. CATHERINE HINDE was indicted for feloniouſly ſtealing, on the 10th of October, a cloth great coat, value 20s. two ſhirts, value 7s. a pair of cotton ſtockings, value 2s. two cotton handkerchiefs, value 2s. and a flannel waiſtcoat, value 12d. the property of Thomas Dore.

THOMAS

THOMAS DORE *ſworn.*—I am a labourer, in the pariſh of Hillingdon: On the 10th of October, I loſt the things mentioned in the indictment, *(repeating them)*, from the tap-room of the Green-dragon, at Uxbridge, about ten o'clock in the evening; I ſaw them afterwards, in the hands of the conſtable, William Bondley.

WILLIAM BONDLEY *ſworn.*—I am a conſtable, at Uxbridge: *(produces the property)*; I took them from the priſoner, at the Dragon, the next day.

THOMAS LOVEGROVE *ſworn.*—I keep the Dragon: I recollect ſeeing the man go in with a bundle, and I ſaw the conſtable take the bundle from the priſoner.

Dore. Theſe are my ſhirts, they are marked, T. D. they are all my property.

The priſoner did not ſay any thing in her defence.

GUILTY (Aged 18).

Confined ſix months in the Houſe of Correction, whipped in the Jail, and diſcharged.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice HEATH.

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580. JOHN ROMAINE was indicted for feloniouſly ſtealing, on the 30th of September, ſixty-four new iron vat hoops, value 4l. ten old iron vat hoops, value 7s. forty old iron butt hoops, value 12s. a half hundred lead weight, value 2s. 6d. five half hundred iron weights, value 15s. and a bundle of tackle rope, value 5s. the property of George Shum the elder, Harvey-Chriſtian Combe, Joſeph Delafield, George Shum the younger, and William Packer.

The caſe was opened by Mr. Knowlys.

George Shum, junior, proved the firm of the houſe, which correſponded with the indictment.

ROBERT BROWN *ſworn.*—I live at the Welch-harp, Tottenham-court-road, not a quarter of a mile diſtant from Mr. Shum's premiſes; I went with ſome ale to Moore's iron ſhop, next door, for the priſoner and others to drink. On the 1ſt of October I went down into the cellar, I ſaw four large bundles of vat hoops at the back part of my houſe; when I came out of the cellar, I looked up and ſaw that two of them were gone; I then immediately went into the ſhop with the ale, and ſaw two bundles in the ſcales weighing, the priſoner was there, and John Cummings and Robert Kent.

Q. What were they doing?—*A.* Seeing the weight of the hoops when I went in, and then they drank the ale that I carried them; in conſequence of what I ſaw, I gave information to Mr. Shum's people.

Croſs-examined by Mr. Gurney. Q. The firſt time you ſaw any vat hoops was at the back of your houſe?—*A.* Yes.

Q. Who brought them there you don't know?—*A.* No.

Q. You ſaw ſome hoops weighing in the ſhop?—*A.* Yes.

Q. But who brought them there you don't know?—*A.* No.

Q. You did not ſee him doing any thing with the hoops?—*A.* No.

ROBERT KENT *ſworn.*—*Examined by Mr. Knowlys.*—I am ſervant to Mr. Shum, at the ſtore-houſe, in Tottenham-court-road, the priſoner was the ſame.

Q. Do you know any thing of any vat hoops that were ſtolen?—*A.* Yes, Romaine, Cummings, Bray, and King—

Q. Had you no hand in it?—*A.* Yes.

Q. What did you do with them when you had ſtolen them?—*A.* We took them to Mr. Moore's ſhop, and ſold them for a penny a pound.

Q. How long before you were taken up were you there?—*A.* About a fortnight, and we had ſome beer from the Welch-harp, John Brown brought it in to us at Moore's.

Q. How was that money divided?—*A.* It was ſhared equally.

Q. What was your ſhare?—*A.* Half-a-guinea.

Croſs-examined by Mr. Alley. Q. You were taken up on the 2d of October?—*A.* I cannot tell.

Q. You are endeavouring to hang this man to ſave yourſelf?—*A.* Yes.

HENRY CROCKER *ſworn.*—*Examined by Mr. Knowlys.* On the 2d of October I went with a ſearch-warrant to Moore's houſe, but did not ſerve it till the 3d in the morning; I broke open the premiſes, I found eight bundles of new hoops, a quantity of old ones, a quantity of weights, and a quantity of rope; Moore has never been heard of ſince.

JOSEPH HOLT *ſworn.*—I am ſervant to Mr. Shum; I miſſed a great quantity of vat hoops from the premiſes in Store-ſtreet; I went with Crocker to Moore's houſe, with a ſearch-warrant; I found eight bundles of new vat hoops, a bundle of old vat hoops, and ſome tackle rope; the vat hoops are moſt of them marked with two T's and a W; the priſoner is a labourer under me; I pointed him out to Crocker, and told him, that is your man; I deſired Crocker to take him over the way to the public-houſe, and I would ſearch after the other men, but they had gone off; I then went over to Romaine; I have not the leaſt doubt but theſe vat hoops are Mr. Shum's property; they are new hoops, eight feet long, and have never been rivetted; they are in ſtraight bars.

Croſs-examined by Mr. Gurney. Q. The mark you ſpeak of is the mark of the maker?—*A.* Yes.

Q. He

Q. He makes for a great many other perſons beſides Meſſrs. Shum and Combe?—*A.* Yes.

Q. And he perhaps puts the ſame marks upon thoſe he makes for other brewers?—*A.* He may, he works for a great many coopers.

Mr. Knowlys. Q. Did the priſoner at this time work for any other brewer?—*A.* Not at that time.

Q. What is the value of theſe?—*A.* About half-a-guinea a bundle.

Court. Q. Did you ſteal theſe things at different times, or at once?—*A.* At ſeveral times.

The priſoner did not ſay any thing in his defence, but called four reſpectable witneſſes, who gave him an excellent character.

GUILTY (Aged 28.)

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury, before Mr. Baron HOTHAM.

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581. AGNES TOWELL was indicted for feloniouſly ſtealing on the 19th of October, two pewter pint pots, value 2s. the property of James Brown.

JAMES BROWN *ſworn.*—I keep the Swan, at Tottenham; I was not at home at the time of the tranſaction, but in conſequence of what I heard, I purſued the priſoner, who drives a jack-aſs, for half a mile; ſhe ſaid ſhe was willing to be ſearched, I ſearched the baſkets upon the aſs, but there was nothing of mine there; ſhe had a box ſlung over her ſhoulder; I ſearched that, and found a pot of mine with my name upon it; ſhe heſitated at firſt, and then ſaid ſhe had quite forgot it, ſhe had found it in a ditch; I have loſt four pounds worth of pots within ſix weeks.

SARAH WRIGHT *ſworn.*—I live with the proſecutor; the priſoner came to our houſe, and had a pint of porter; I ſaw her put a pint pot into her pocket; when ſhe had got out at the door, I went into the bar, and told my miſtreſs; my miſtreſs called her back twice.

Priſoner's defence. I did not ſteal the pot, I found it in a ditch.

The priſoner called eight witneſſes, moſt of whom had known her near twenty years, and gave her a good character.

GUILTY (Aged 58.)

Confined one year in the Houſe of Correction, fined 1s. and diſcharged.

Tried by the firſt Middleſex Jury, before Mr. Juſtice HEATH.

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582. RICHARD WATTS and JAMES HARROD were indicted for feloniouſly ſtealing on the 21ſt of September two hempen ſacks, value 5s. five buſhels of houſhold flour, value 40s. and five ſtreak of rough ſtuff, value 5s. the property of William Daviſon.

Second Count. Laying it to be the property of Henry Lott Maſon.

HENRY-LOTT MASON *ſworn.*—I live in the pariſh of Hayes, in the county of Middleſex: On the 21ſt of September, I went to the mill in the morning, and gave orders for fifteen ſacks of flour for Wingfield, in Mount-ſtreet; I left the mill, and upon information I received, I found I had been robbed to a very conſiderable amount; I went from my houſe to the mill, near Drayton; I armed myſelf and ſecreted myſelf; it was a remarkable moon-ſhiny night, I could ſee any thing a very great diſtance; I got into a ſhady place, where I could obſerve the waggon when it came to load, which was about eleven o'clock; I was watching in Mr. Greenfield's garden; I ſaw the carter come and open the door, and get in at the tail of the waggon; I ſaw him put in fifteen of Wingfield's ſacks, as I found them to be afterwards; the miller was James Harrod; then he put in two other ſacks beſides the fifteen that I had ordered; as ſoon as the miller had done delivering the flour, he went to a man with a candle in his hand, and then I came out of the garden, and for fear I ſhould accuſe a man that was innocent, I threw a ſtone up at the window, and ſpoke to Mr. Daviſon, the maſter of the mill, and then I went after the waggon; ſays I to Watts, the driver, you have got more ſacks than you ought to have; he ſaid he did not know as he had; I counted ſeventeen ſacks, and when Mr. Daviſon came up, I ſaid to Watts, you are my priſoner, you ſhall not go to London to night; Mr. Daviſon ſaid to Dick Watts, why, here is a bag of Read's here that is ſo very different from the reſt, that it muſt be a wilful miſtake; we then went to his maſter to know about it; I had the waggon drawn down to the mill, and told the miller he was my priſoner; I took them into cuſtody, and ſat up with them both myſelf that night.

Q. Had you a good deal of flour at the mill?—*A.* Yes, I had forty load grinding off at that time; that, that was in Read's ſack, was a ſack of houſehold, and that, that was in a ſack of mine marked H. Maſon, was rough ſtuff, in an unfiniſhed ſtate.

Q. Had you in the mill at that time houſehold flour and rough ſtuff?—*A.* There might be ſeventy or one hundred ſacks.

Croſs-examined by Mr. Knapp.—Harrod is ſervant to Daviſon?—*A.* He was then.

Q. Daviſon is a miller, near Drayton?—*A.* Yes.

Q. Daviſon carries on a great deal of buſineſs?—*A.* He does for other people more than he does for himſelf.

Q. Then of courſe Daviſon grinds for other people beſides you?—*A.* Undoubtedly, he ground for John Read.

Q. Therefore

Q. Therefore rough ſtuff, and the articles you have mentioned, might juſt as well be found in his mill, ground for other people, as for you?—*A.* They generally clear as they go.

Q. Will you undertake to ſwear that there was no rough ſtuff there but your's?—*A.* No, though I do not believe it.

Q. You will not venture to ſwear to flour or rough ſtuff?—*A.* No, certainly not, I can ſwear to the bags.

Q. The moment you taxed Watts with taking ſeventeen, he ſaid, maſter, I do not know that I have?—*A.* Yes; but he turned as white as a ſheet.

Q. The moon ſhone very bright?—*A.* Yes.

Q. Is it not a common thing for perſons to borrow ſacks in the trade?—*A.* I never borrowed any in my life.

Q. The ſacks that contained the rough ſtuff and the flour were not your's?—*A.* The ſack that contained the rough ſtuff was mine, the other was Read's.

Q. And you do not borrow them?—*A.* No.

Q. Will you take upon you to ſwear that Daviſon never puts your flour into other people's ſacks—have you not hired your neighbour's ſacks before now?—*A.* I have hired my baker's ſacks, and John Ball and Michael Conſtable's, of Shad Thames wharf.

Q. Theſe priſoners lived in your neighbourhood?—*A.* Yes.

Q. Have you known them ſome time?—*A.* Yes; and I had a very ſuſpicious character of them.

JOHN READ *ſworn.*—There was a ſack of mine put in the waggon that night; I had not ordered any ſack of mine to go that night.

Croſs-examined by Mr. Knapp. Q. What are you?—*A.* A chandler, at Wemley-green, near Harrow.

Q. I ſuppoſe many of your ſacks have been in the cuſtody of Daviſon before this?—*A.* Many.

Q. Perhaps it has occurred to you to know, that ſometimes your ſacks may be lent?—*A.* Not knowingly; I never knew that any of my ſacks were ever lent; it is not a cuſtomary thing.

JAMES KENNEDY *ſworn.*—I am an officer. *(Produces the ſacks.)*

Read. This is my ſack.

Maſon. This is the ſack that was taken out of the waggon, I put a private mark upon it.

Mr. Knapp. (To Maſon.) Q. We have heard from Mr. Read that that is his ſack?—*A.* Yes.

Q. You found that ſack in the waggon?—*A.* Yes, I ſaw it put in.

Q. When did you put the mark upon it?—*A.* Mr. Daviſon took it to his houſe on the Sunday, and then I put the mark upon it.

Q. This was on the Friday, and they remained till the Sunday morning before you put the mark upon them?—*A.* Yes.

Q. Did you ever ſee any of Read's ſacks with preciſely the ſame marks as that?—*A.* Yes, exactly the ſame.

WILLIAM DAVISON *ſworn.*—I am a miller; Mr. Maſon called to me after the waggon went from the mill: he followed the waggon, and ſo did I; I found ſeventeen ſacks in the waggon; there were fifteen of Wingfield's ſacks, of Mount-ſtreet; one of the other ſacks was Read's, and the other Maſon's; then Maſon went away to the man's maſter; I ſent my lad to keep watch for the waggon in the night, and we found them to be houſehold and rough ſtuff; Mr. Biſhop ordered us to mark them. I had them under lock and key till I carried them up to Mr. Maſon's.

Q. Had you directed either your ſervant Harrod or Watts to load theſe two ſacks?—*A.* No; Maſon's note expreſſed fifteen ſacks, and what they had over was unknown to me.

Q. Had Mr. Maſon more rough ſtuff and more flour in the mill?—*A.* Yes, there was ſome in what we call the peſter, not ſacked up; I did not know that there was any more ſacked up than that fifteen ſacks.

Q. Do you know if any body elſe had any rough ſtuff in the mill at that time?—*A.* I cannot pretend to ſwear, but really I think nobody elſe had beſides Mr. Maſon.

Croſs-examined by Mr. Knapp. Q. I underſtand you to ſay very fairly, that you won't ſwear that no other perſon had rough ſtuff in the mill?—*A.* It was a thing I might not be acquainted with, and therefore I would not wiſh to ſwear it.

Q. You are employed by a good many of your neighbours?—*A.* Yes, and I have two men to look after my buſineſs when I am out of the way.

Q. Therefore there are more perſons beſides the two priſoners that worked in the mill?—*A.* Only one for the night time.

Q. It has of courſe happened to you to have a ſack of Read's before?—*A.* We are never without ſcarcely.

Q. You were not preſent at the delivery of theſe ſacks?—*A.* No.

Q. Is it an uncuſtomary thing, ſuppoſe you have an order to deliver goods from your mill to Maſon, to ſend home ſuch ſort of articles by your ſervants in the ſacks of Read?—*A.* Never.

Q. How long has Harrod lived with you?—*A.* Almoſt five years.

Harrod's defence. I gave him nothing more but ſome ſtuff for the horſes.

Watts's defence. I aſked him for a ſack of twenty-penny, and he gave me this rough ſtuff, if it was rough ſtuff, I did not know any difference.

The

The priſoner Harrod called three, and Watts two witneſſes, who gave them an excellent character.

Watts, GUILTY (Aged 34.)
Harrod, GUILTY (Aged 25.)

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury, before Mr. Baron HOTHAM.

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583. SAMUEL SOLOMONS was indicted for feloniouſly ſtealing, on the 22d of October, a cheeſe, value 6s. the property of Thomas Hill and Daniel Auſtin.

THOMAS HILL *ſworn.*—I am a cheeſemonger, in partnerſhip with Daniel Auſtin, No. 8, Manſell-ſtreet, Goodman's-fields: On Monday evening laſt, I was informed that a boy had run away with a cheeſe, I immediately miſſed it, I followed him and took him with the cheeſe under his arm, about forty yards from my houſe; when I took hold of him, he dropped the cheeſe from under his arm, I picked up the cheeſe, and brought him back; I have kept it from that time to this, I know it to be mine from the mark, it was marked No. 1; the priſoner offered to pay me for the cheeſe.

Priſoner's defence. I ſaw a young man go along with the cheeſe, he dropped it, and I picked it up.

GUILTY (Aged 16.)

Privately whipped in the Jail, and diſcharged.

Tried by the firſt Middleſex Jury, before Mr. RECORDER.

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584. JAMES TOMKINS was indicted for feloniouſly ſtealing, on the 27th of September, five wether ſheep, value 10l. the property of James Boys.

JAMES BOYS *ſworn.*—I am a farmer at Hendon: On the 27th of laſt month, I loſt five wether ſheep; I went round, and on Saturday, the 29th, I found three of them alive, and two he had killed; I heard of them at Watford, and I found three of them upon the common field; I found the two dead ones at the priſoner's houſe, at Watford, he is a butcher.

Q. How did you know them to be your's?—*A.* I can ſwear to the three that were alive, they were marked with a G on the rump and acroſs the ſhoulders; he had riddled them afreſh acroſs the ſhoulders, and cut the G mark out.

Q. How can you ſwear to thoſe in the field?—*A.* I had had them about two months, and I had been ſo uſed to the ſheep, that I could have ſworn to them if they had not been marked at all; I found the two ſkins in the Fell-market, the G was cut out, and they were marked freſh acroſs the ſhoulders, but I can ſwear to the ſheep by the ſkins of them; I loſt them from the fields at Mill-hill, in Hendon pariſh.

STEPHEN IRLWIN *ſworn.*—On the 29th of September, the priſoner brought two ſkins into my yard, at Watford, which I purchaſed; I did not obſerve any particular mark, any further than they were very much riddled; when Mr. Boys came to enquire for them, I examined them, and found the mark had been cut out of them; the priſoner is a butcher at Watford; I aſked him no queſtions about them, he brought them as he uſually did.

JOSEPH FOUNTAIN *ſworn.*—I am ſhepherd to Mr. Boys: I miſſed the ſheep in the morning, and at night I told my maſter; there were five ſheep miſſing, I ſearched after them three days and could not find them; I afterwards fetched them back from Watford, the mark was cut out from the rump; I ſaw the ſkins at Mr. Irlwin's, and the mark was cut out; I had been ſhepherd to theſe ſheep many years, I can ſwear to the ſheep.

Q. Your mark was gone—by what can you ſwear to them?—*A.* By the riddle over the ſhoulder.

Q. That is impoſſible; no man can ſwear to the riddle of a ſheep?—*A.* I can ſwear they are our ſheep.

Priſoner's defence. I met a man with five ſheep, between Edgeware and Stanmore, that I had bought ſheep of before; he told me they were almoſt knocked up, they ſeemed very tired, and he wanted to ſell them; he aſked me ten guineas for them, and I gave him ten pounds.

GUILTY Death. (Aged 35.)

Tried by the ſecond Middleſex Jury, before Mr. Baron HOTHAM.

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585. JOHN MILLS was indicted for feloniouſly ſtealing, on the 5th of October, a metal bell, value 4l. the property of William Sims, in a certain ſhip called the Sims, upon the navigable River Thames.

Second Count. For the like offence in a certain ſhip called the Sims, lying in a certain creek belonging to the River Thames.

JOHN DIXON *ſworn.*—I am maſter of the ſhip Sims, the property of William Sims: I know nothing of the tranſaction; the bell that was loſt was fixed to the ſhip; I had ſeen it the ſame evening, I miſſed it the next morning at ſeven o'clock.

CORNELIUS RICHARDSON *ſworn.*—I am an extra conſtable, at Shadwell: On the 5th of October, at five o'clock in the morning, I was ſtanding in St. George's Pariſh, I ſaw the priſoner, and another, coming along, I knew him immediately, he had got ſomething upon his head; I put my hand to it, and found this piece of a bell, wrapped up in a black gown, and the other immediately ran away; when I ſtopped him, he ſaid it belonged to the other man, who had ran away; it is a ſhip's bell. *(Produces it).*

Dixon.

Dixon. I know it to be our bell; here is a piece that was left behind after they had broke it to pieces, which matches, and there is the ſhip's name upon it.

Priſoner's defence. Robert Richardſon, that ran away when I was taken into cuſtody, called me out of bed that morning, and aſked me to go with him to fetch a bundle, and he would give me a ſhilling, which I did, and he took it out from behind ſome rails; he ſaid, he had left it there the night before, when he came from work; I did not know it was ſtolen; I could have proved that he called me up that morning, but I did not expect my trial to come on ſo ſoon.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice HEATH.

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586. THOMAS DUDFIELD was indicted for feloniouſly receiving, on the 11th of February, divers goods, the property of John Nicholſon, (feloniouſly and burglariouſly ſtolen by Auguſtus Seaton and Thomas Clifton, whereof they have been convicted), knowing them to have been ſtolen.

(Mr. Knapp, on the part of the proſecution, ſtated, that on account of the abſence of a material witneſs, it was impoſſible for him to proceed).

NOT GUILTY.

Tried by the London Jury, before Mr. RECORDER.

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587. THOMAS COX was indicted for feloniouſly ſtealing, on the 2d of October, a Bank-note, value 40l. another Bank-note, value 25l. two other Bank-notes, value 5l. each, and another Bank-note, value 2l. the property of William Maſſey.

(Mr. Conſt, on the part of the proſecution, ſtated, that, from his inſtructions, he did not think he could bring the caſe home to the priſoner, and therefore he declined producing any evidence).

NOT GUILTY.

Tried by the London Jury, before Mr. RECORDER.

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588. MARY FORBES was indicted for feloniouſly ſtealing, on the 6th of October, a copper tea-kettle, value 5s. the property of Benjamin Whitaker.

BENJAMIN WHITAKER *ſworn.*—I keep a public-houſe in Leadenhall-ſtreet: On the 6th of October, the priſoner at the bar came to my houſe, and called for a pennyworth of beer, ſhe ſtopped about an hour, or thereabouts, it was about half paſt ſeven when ſhe firſt came in; when ſhe went away, I heard my ſervant call out, miſtreſs, what have you got there; I directly ran out of doors, and ſhe had got hold of the priſoner; ſhe ſaid to me, this woman has got the tea-kettle; ſhe took it from her and gave it to me; I brought her into the houſe again, and ſent for a conſtable; I delivered the kettle into his charge as well as the priſoner, and he took her to the Compter.

CATHERINE WORLIDGE *ſworn.*—I am ſervant to the laſt witneſs: I ſaw the priſoner go out as I ſtood at the bar, and ſhe had her clothes up in ſuch a bulk that I thought ſhe had got ſomething about her; I followed her, and aſked her what ſhe had got; ſhe ſaid, nothing; I found a tea-kettle under her petticoats, which my maſter took out of my hands, it was my maſter's tea-kettle; I miſſed it from the fire ſide, I knew it again; it had a remarkable mark on the ſpout.

(James Blundell, the conſtable, produced the tea-kettle, which was depoſed to by the proſecutor).

Priſoner's defence. A man in the tap-room gave me ſixpence to carry it.

GUILTY (Aged 37.)

Privately whipped, and diſcharged.

Tried by the London Jury, before Mr. RECORDER.

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589. WILLIAM MOORE was indicted for feloniouſly ſtealing, on the 18th of September, ſeventeen yards of cotton, value 29s. the property of William Webſter.

WILLIAM WEBSTER *ſworn.*—I am a linen-draper, in Fore-ſtreet, Cripplegate; the property in queſtion was upon a ſtool at the door: On the 18th of September, between two and three o'clock in the afternoon, the priſoner was brought back to me by William Brownett, who is a witneſs here.

WILLIAM BROWNETT *ſworn.*—I am a gold-beater, I work next door to Mr. Webſter: On the 18th of September, about three o'clock, I ſaw the priſoner take two pieces of cotton from a pile that ſtood outſide the door; I followed him, and he dropped them in Grub-ſtreet; I brought him back with the cotton; I delivered one piece to the proſecutor, and another witneſs brought back the other.

JONATHAN POWELL *ſworn.*—I am a gold-beater, I work in the ſame ſhop with Brownett; I ſaw him run out, I looked after him, I heard him cry, ſtop thief, and ran out; when I got into Grub-ſtreet, I ſaw a piece of cotton lying in the road-way, I ran paſt it becauſe the mob turned a corner into an alley; then I ſaw them ſtop, and I ſaw Brownett holding the priſoner, that was the firſt time I ſaw the priſoner; Brownett gave me a piece of cotton to hold, which I took back, and laid on the counter; it was a piece of reddiſh printed cotton.

Q. (To Brownett.) Should you know the pieces of cotton again?—*A.* I think I ſhould: one was a reddiſh, and the other a blueiſh pattern.

JOHN CROUCH *ſworn.*—I am a conſtable, *(produces*

duces the property); I had theſe cottons from Mr. Webſter; I have had them ever ſince.

Webſter. There is my own hand-writing upon one of theſe pieces; and the hand-writing of a ſervant of mine upon the other; I am ſure they are mine.

Priſoner's defence. I never ſaw any thing at all of them.

The priſoner called three witneſſes, who gave him a good character.

GUILTY (Aged 17.)

Confined ſix months in the Houſe of Correction, publicly whipped, and diſcharged.

Tried by the London Jury, before Mr. RECORDER.

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590. WILLIAM RUSSELL, GEORGE SHIRLEY, and THOMAS BROWN, were indicted for that they, in the King's highway, on the 24th of September, in and upon Mary Ginney, did make an aſſault, putting her in fear, and taking from her perſon a muſlin neck-handkerchief, value 12d. and four ſhillings in money, the property of the ſaid Mary.

(The proſecutrix was called, but not appearing, her recognizance was ordered to be eſtreated).

All Three NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. Baron HOTHAM.

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591. JOHN MATTHEWS was indicted for feloniouſly ſtealing, on the 11th of October, three pounds of copper, value 2s. 3d. the property of Thompſon Warner and John Warner.

JOSEPH DEAKIN *ſworn.*—Mr. Warner is a Quaker, I work for him; the firm of the houſe is Thompſon Warner and John Warner, they live in Fore-ſtreet: On Thurſday, the 11th of this month, we had a ſuſpicion of the priſoner being a thief, my maſter deſired me to mark ſome copper, which I did, that was about three o'clock in the afternoon, it was in a little room in the ſhop, where I left it, I marked about ſix or ſeven pieces; when he went out, at watering-time, about five o'clock, he was called back, and there were two of the pieces that I had marked found upon him.

Q. What was the priſoner?—*A.* Porter and labourer; Mr. Warner told him he had got ſomething about him of his property; and he told him he had not; he ſaid, he had no property but a penny or two penny-pieces, which he pulled out of his pocket; upon his being ſearched, ſome copper was taken out of his left-hand waiſtcoat-pocket, and ſome out of the thighs of his breeches; it was delivered to the conſtable, Crouch, but he had ſome buſineſs to do, and I ſaw him give it to Eldridge, another conſtable; there were three pounds of it all but an ounce.

JAMES SMILETT *ſworn.*—I ſaw the copper marked with a tool that I made, called a ſcrew tool, there are ſeven pricked marks; I ſaw it taken from him and given to Eldridge.

(Richard Eldridge, the conſtable, produced the copper, which was depoſed to by the two laſt witneſſes).

Priſoner's defence. I am not guilty of the crime I am charged with.

The priſoner called one witneſs, who had known him ſixteen years, and who gave him an excellent character.

GUILTY (Aged 36.)

Of ſtealing goods to the value of 10d.

Privately whipped, and diſcharged.

Tried by the London Jury, before Mr. RECORDER.

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592. SAMUEL COOK was indicted for that he, on the 27th of September, was an officer, ſervant to the Governor and Company of the Bank of England, called an out-teller, and was entruſted by the ſaid Governor and Company with a certain note, called a Bank-note, of the value of one hundred pounds; and the indictment further ſtates, that he, being ſuch officer, and ſervant of the ſaid Governor and Company of the Bank of England, and being ſo entruſted with the ſaid note, did ſecrete and embezzle the ſame, againſt the form of the ſtatute.

There being no evidence to bring the charge home to the priſoner, he was ACQUITTED.

Tried by the London Jury, before Mr. Juſtice HEATH.

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593. EDWARD GALLAGHY was indicted for that he, on the 24th of October, upon John Dyer, a ſubject of our Lord the King, on purpoſe of his malice aforethought, and by lying in wait, did make an aſſault, with a certain knife, which he, in his right-hand, then and there held on purpoſe, of his malice aforethought, and by lying in wait, feloniouſly did cut off the noſe of him the ſaid John Dyer, with intention, in ſo doing, to diſfigure him, in manner before mentioned.

There being no evidence to prove a lying in wait, the priſoner was ACQUITTED.

Tried by the London Jury, before Mr. RECORDER.

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594. JOHN COLE was indicted for breaking and entering the dwelling-houſe of Robert Shaw, about the hour of ſix in the night of the 17th of October, with intent to ſteal the goods therein being, and burglariouſly ſtealing a ſilver watch, value 3l. the property of the ſaid Robert.

The only material witneſs being abſent, the priſoner was ACQUITTED.

Tried by the firſt Middleſex Jury, before Mr. Juſtice HEATH.

595. THOMAS

595. THOMAS CLARKE and WILLIAM FIELD were indicted for feloniously ſtealing, on the 28th of September, a cloth great coat, value 20s. the property of John Williams.

Second Count. Laying it to be the property of George Barr.

(The proſecutor and pawnbroker not appearing, their recognizances were ordered to be eſtreated).

Both NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. Baron HOTHAM.

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596. GEORGE GREEN was indicted for that he, on the 12th of June, 1797, at the pariſh of St. Mary-le-bonne, did marry and take to wife Rebecca Coleman, ſpinſter, and afterwards, that is to ſay, on the 31ſt of December, at the pariſh of St. George, Hanover-ſquare, did marry and take to wife one Margaret Smith, widow, the ſaid Rebecca, his former wife, being then alive.

There being no evidence to prove the ſecond marriage, the priſoner was

ACQUITTED.

Tried by the firſt Middleſex Jury, before Mr. Baron HOTHAM.

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597. JOHN WHEELER was indicted for that he, on the 5th of December, in the pariſh of St. James, Weſtminſter, in the 16th year of his preſent Majeſty, took to wife Mary Goodall, ſpinſter, and afterwards, that is to ſay, on the 22d of April laſt, at the pariſh of St. Bridget, otherwiſe Bride, feloniouſly did marry and take to wife Elizabeth Watkins, ſpinſter, the ſaid Mary, his former wife, being then alive.

The caſe was opened by Mr. Knapp.

ANN STEVENS *ſworn.—Examined by Mr. Knapp.* Q. Do you know the priſoner?—*A.* Perfectly well.

Q. Do you know Miſs Goodall?—*A.* Yes; I was preſent when they were married at St. James's Church, Weſtminſter, December the 5th, 1776.

Q. Is ſhe now living?—*A.* Yes; I have been in her company to-day.

FRANCES MITCHEL *ſworn.*—I know the priſoner, and I knew Miſs Goodall; I was preſent at their marriage in December, 1776; I have been in her company to day.

ANN EYRES *ſwcrn.*—I know the priſoner at the bar.

Q. Do you know Miſs Elizabeth Watkins?—*A.* Yes; I was preſent when ſhe was married to the priſoner at St. Bride's, on the 22d of April laſt.

Croſs-examined by the Priſoner. Q. Whether Miſs Watkins and her mother did not lodge at the houſe oppoſite the mother of the witneſs, previous to the marriage taking place?—*A.* The wife and the daughter lodged at my mother's.

Q. Do you know the reaſon of her quitting Watkins's houſe?—*A.* I do not.

MARY WRIGHT *ſworn.*—I know the priſoner, and I know Miſs Watkins, I ſaw her yeſterday; I was preſent at the marriage between her and the priſoner, at St. Bride's; Miſs Eyres was with me at the ſame time.

Croſs-examined by the Priſoner. Q. Have you not adviſed Mrs. Watkins ſeveral times to apply to the Civil Power, in conſequence of the outrageous conduct of him towards his wife and family?—*A.* I never did.

Q. Remember you are upon your oath?—*A.* I am.

Q. Have not you ſaid to me, that you have been afraid of your life?—*A.* What is that to your marrying this girl.

Priſoner's defence. I ſhould not have troubled your Lordſhip with any obſervations, if I had been brought to this bar by a man whoſe character was even commonly decent; he is a man notoriouſly diſaffected to his King and Counrry; he is a man who has been guilty of murder in his own family; and if I had not more mercy for him than he has for me, I could have proved it out of the mouth of his wife and daughter.—

Court. I am ſorry to interrupt you or any other man in the courſe of his defence, but the rules of juſtice muſt be obſerved; it does not become the Court to hear circumſtances ſtated ſo irrelevant.

Priſoner. Then I ſhall not trouble your Lordſhip with any further obſervations.

GUILTY (Aged 38.)

Tranſported for ſeven years.

Tried by the London Jury, before Mr. Baron HOTHAM.

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598. JOHN CRAWLEY was indicted for feloniouſly ſtealing, on the 1ſt of Auguſt, 117 halfpence, value 4s 10d. and a farthing, the property of Jane Baker, widow.

JANE BAKER *ſworn.*—I am a widow, I live in Fleet-lane: I was ſitting in the back room, and heard ſome money drop, I ſent my ſervant there, and ſhe told me, there was a boy under the counter, I went into the ſhop and ſaw him; I did not ſee him ſearched, I believe there were 15s. in copper lying on the window, folded up in ſixpennyworths; I pulled the boy out, and ſent for a conſtable.

ANN BARNES *ſworn.*—I was ſitting at work, and heard the halfpence fall, I went to look, and ſaw the priſoner underneath the bin.

HENRY BEARD *ſworn.*—I am a conſtable: I took the priſoner; I found this money, four ſhillings and ten pence farthing, in his right hand waiſtcoat pocket; he fell a crying, and ſaid, he hoped Mrs. Baker would forgive him.

Priſoner's defence. I went in to buy a loaf, and dropped

dropped three halfpence behind the counter; I thought no harm in going round to pick them up, and Mrs. Baker caught me there.

GUILTY (Aged 13).

Tranſported for ſeven years.

Tried by the London Jury, before Mr. Juſtice HEATH.

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599. JOHN LEONARD and EDWARD THOMPSON, otherwiſe BURNHAM was indicted for feloniouſly ſtealing, on the 10th of October, eleven fowls, value 11s. the property of a perſon or perſons, to the Jurors unknown.

JAMES BLY *ſworn*.—I am a conſtable of St. John's Weſtminſter: On the 10th of October, about eight in the morning, I was at Kenſington, and at the weſt end of the town; the priſoners paſſed me, one of them I had a ſuſpicion of, Leonard, he had a bag under his arm, and Thompſon had got ſomething tied up in a ſmock frock; I let them paſs me, and then followed them; I ſaid to Burnham, you are the man, I believe, that brings fowls to town; he ſaid, no; I told him, I ſuſpected he had ſome about him; I ſearched their bundles, and found, upon Burnham, eight fowls, and upon Leonard, three.

Q. Have you not found the owner?—*A.* No; I have advertiſed them. Burnham ſaid, that he and another man, not in cuſtody, and Leonard, had taken theſe fowls from a gentleman's houſe, near three miles below Brentford.

Q. Was any thing ſaid to him to induce him to confeſs?—*A.* At that time he was charged with another robbery, and I believe he was induced to ſay ſo, becauſe he thought the other proſecution would be ſet aſide, if he owned this; but the Magiſtrate told him, he would give him no hope of it.

Leonard's defence. We were employed by a man to carry them to the White-horſe cellar; I had not been able to get any employment.

Burnham's defence. A man employed us to carry them to town; I never ſaw the man before in my life.

Both NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice HEATH.

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600. THOMAS CAMBOURNE was indicted for feloniouſly ſtealing, on the 27th of October, a cloth coat, value 10s. the property of George Cratton.

GEORGE CRATTON *ſworn*.—I live at St. George's in the Eaſt, I am a taylor: Laſt Monday I loſt a coat out of my own houſe, I ſaw it a little before ſeven in the evening, in a cheſt in my kitchen, I went that ſame night to the cheſt, to put on a clean ſhirt, to go to Graveſend, and I miſſed it; I immediately went to a pawnbroker's ſhop, and found it.

JAMES BRUCE *ſworn*.—I am ſervant to a pawnbroker: *(produces the coat)*; I took it in of the priſoner at the bar, on Monday morning, I lent him ſeven ſhillings and ſix-pence upon it.

Cratton. This is a coat that was delivered to me to repair.

JOHN NOWLAN *ſworn*.—I am an officer, I took charge of the priſoner, and found a duplicate upon him.

Priſoner's defence. I have worked for the proſecutor many years; I was very much in liquor; I went and took the coat out to pledge, but not with any intention to defraud him of it.

Proſecutor. He always behaved well before this.

Priſoner. I wanted a little money, he was not in the way, and I thought there would be no harm in taking of it till he came back.

Proſecutor. I do not believe he meant to hurt me at the time.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. Baron HOTHAM.

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601. JOHN BAYLISS and ALEXANDER SMITH were indicted for forging and counterfeiting on the 17th of October, a certain order for the payment of 15l. the tenor of which is as follows:

"October 16, 1798.

"Gentlemen, Pleaſe to pay to Serjeant-Major Sefton, or bearer, the ſum of 15l. levy money, due to George Davis, a town recruit, poſted to Colonel Thornton's company.

"J. D. Burnby, Serj. and Adj. Firſt Guards.

"Meſſrs Cox and Greenwood."

with intent to defraud Richard Cox and Charles Greenwood.

Second Count. For uttering the ſame as true, knowing it to be forged, with the like intention.

Third and fourth Counts. Laying it to be with intention to defraud John-Dick Burnaby, Eſq.

(The caſe was opened by Mr. Knowlys.)

JOSEPH-GEORGE BRETT *ſworn*.—I am a caſhier in the houſe of Cox and Greenwood; the firm of the houſe is Richard Cox and Charles Greenwood. On or about the 17th of October, the priſoner, Serjeant Bayliſs, came to our office, and preſented a draft for 15l.

Q. Look at that draft?—*A.* This is the draft that he preſented for payment.

Q. Had the perſon whoſe name appears at the bottom of the order an account at your houſe?—*A.* Yes.

Court. *Q.* It appears to me from the abſtract, that the name is not the ſame, it is difficult to ſay whether

whether it is Burnaby or Barnby. *(Here the learned Judge compared the abſtract with the indictment, and found it a fac ſimile.)*

Mr. Knowlys. Q. Look at the bottom of it; there is ſomething beſides the name, I believe?—*A.* Yes, Lieutenant and Adjutant of the firſt foot guards.

Q. Did that regiment keep an account with you?—*A.* Captain Burnaby keeps caſh at our houſe, and draws bills on our houſe on account of the regiment beſides.

Q. In conſequence of his preſenting this draft, did you pay it?—*A.* No, I ſuſpected it to be a forgery.

Q. Are you at all acquainted with the hand-writing of captain Burnaby?—*A.* Yes.

Q. Have you ſeen him write?—*A.* Yes.

Q. Is that his hand-writing?—*A.* No, it is not; I aſked the priſoner in what way he came by it; he ſaid, he received it from ſerjeant-major Sefton, of the ſame regiment.

Q. It appears to be drawn in favour of ſerjeant-major Sefton?—*A.* Yes.

Q. From the account he gave, what did you do to him—did you ſecure him?—*A.* No, he went away.

Q. What became of the draft?—*A.* I ſent the bill up ſtairs to Mr. Rickaby, it was left at the office, and it was afterwards ſent to the orderly-room.

Q. Did you put your name to it before it left the office?—*A.* No, not till he was examined at Bow-ſtreet, which was three or four days after, but I am perſuaded it is the ſame draft that he preſented.

Croſs-examined by Mr. Raine. Q. You cannot ſwear that it is the ſame of courſe, not having it in your own cuſtody?—*A.* No, another draft might be drawn exactly like it; it was two or three days before it was returned from the orderly-room.

Q. What have you ſeen captain Burnaby write?—*A.* He keeps an account at Cox and Greenwood's.

Mr. Knowlys. Q. Who did you ſhew it to after it was firſt preſented to you?—*A.* I gave it to Mr. Lucas.

ST. JOHN-WILLIAM LUCAS *ſworn.*—I am a clerk in the office of Cox and Greenwood.

Q. Look at that draft, when did you firſt ſee it?—*A.* On Wedneſday, the 17th inſtant; Mr. Brett gave it to me to ſhew Mr. Rickaby to form an opinion upon it.

Q. Are you ſure that is the ſame draft Mr. Brett gave you to ſhew to Mr. Rickaby?—*A.* Yes.

Q. Did you ever ſee the perſon who appears to have ſigned that draft write, Mr. Burnaby?—*A.* I have.

Q. Is that his hand-writing?—*A.* It is not.

Croſs-examined by Mr. Raine. Q. At the time Mr. Brett gave you this ſuppoſed draft, you did not put any mark upon it?—*A.* No.

Q. Then if a ſimilar draft had been produced to you, you would not have known it from that?—*A.* I am confident it is the ſame draft.

——— RICKABY *ſworn.* I am a clerk in Cox and Greenwood's houſe; this draft was ſhewn to me by Mr. Lucas.

Q. Are you ſure that is the ſame draft?—*A.* I have every reaſon to ſuppoſe ſo.

Q. Did you ever ſee Mr. Burnaby write?—*A.* Yes.

Q. Do you believe that to be his hand-writing?—*A.* It is not.

Croſs-examined by Mr. Raine. Q. You cannot undertake to ſwear that that is the ſame bill?—*A.* It is exactly ſimilar.

Q. You did not mark it at all?—*A.* No.

WILLIAM SEFTON *ſworn.*—*Examined by Mr. Knowlys.* I am ſerjeant-major of the 1ſt regiment of foot guards; the priſoner, Bayliſs, was ſerjeant in the regiment.

Q. Look at that draft, did you deliver that to the priſoner?—*A.* No.

Q. Had you ever poſſeſſion of that draft before he was taken into cuſtody?—*A.* Never.

Q. Did you take Bayliſs into cuſtody?—*A.* No.

Q. Who took Bayliſs into cuſtody upon this charge?—*A.* I do not know.

Q. Do you know the priſoner, Smith, at all?—*A.* No.

JAMES HORTON *ſworn.* I am a ſerjeant in the firſt regiment of foot guards.

Q. Do you remember the time when Bayliſs was firſt in cuſtody upon this charge?—*A.* Yes.

Q. When did you firſt ſee Smith?—*A.* Sunday evening laſt.

Q. Was that after Bayliſs was in cuſtody?—*A.* Yes.

Q. At the time you ſaw Smith, did you ſee him in company with Bayliſs?—*A.* I did.

Q. When you ſaw Bayliſs and him together, were you within their ſight, or concealed?—*A.* I was concealed by the deſire of captain Burnaby.

Q. What room were you in?—*A.* In the ſame room, in Portman-ſtreet barracks; Bayliſs knew I was there, but Smith did not; I was concealed underneath the bed-cloths in a bedſtead turned up.

Q. At the time that Bayliſs and Smith were together, could you hear what they ſaid to each other?—*A.* Yes; I ſaw Smith come into Bayliſs.

Q. Tell us what converſation paſſed?—*A.* Firſt, Smith ſhook hands with Bayliſs, and aſked him how he did, and how he ſhould come on; Bayliſs ſaid, he thought he ſhould be there about a week.

Q. Was

Q. Was the room in which Bayliſs was, a room of free acceſs, or a room of confinement?—*A.* A room of confinement; he ſaid, he thought he ſhould be there about a week, or till the commanding officer came to town; Smith ſaid, d—n my blood, if I have not been walking about theſe barracks for this hour, before I could come up to you; Bayliſs ſaid, pleaſe God I live to get through this, you ſhall never perſuade me to have any thing to do with your forged notes any more; this is the firſt time I ever had any thing to do with them.

Q. Upon what occaſion was it that Bayliſs was confined in this room?—*A.* By order of the commanding officer, on account of this note; then the converſation turned to ſomething elſe, and they came and ſat down upon a bench before the fire, and drank a ſhare of a pot of beer; after ſome time Smith ſays, this day week you were on the provoſt guard; Bayliſs ſaid, yes, there it was you dated the note; Smith ſaid, yes, it was; then the diſcourſe turned to ſomething elſe, and a little while afterwards Bayliſs ſaid, Smith, was that note for 15l. that you wrote out; Smith ſaid, yes, it was; Bayliſs then aſked him whether he recollected the date of the note, or not, whether he dated it the 15th or 16th; Smith ſaid, he was not certain, but he thought it was either the 15th or 16th, he was not certain which, and then there was ſome converſation about ſomething elſe; then Smith was ſeized by a conſtable, and taken away to Mary-lebonne watch-houſe; Bayliſs was aſked, in the preſence of Smith, whether he choſe to give charge of Smith for forging the note, and Bayliſs ſaid, he did; I went and ſaw him in the watch-houſe myſelf.

Croſs-examined by Mr. Raine. Q. I think you ſaid that Bayliſs knew of your being confined under the bed-clothes?—*A.* Yes.

Q. And it was a contrivance for the purpoſe of extracting ſomething from Smith, in order to excuſe himſelf?—*A.* That I cannot tell; it was to hear the converſation.

Croſs-examined by Mr. Alley. (For Bayliſs). Q. You were placed there on purpoſe?—*A.* Yes.

Q. And you were put there in conſequence of a promiſe, that if Bayliſs would lead to the detection of any body elſe, he would receive every indulgence?—*A.* Not that I know of; it was the ſerjeant-major that deſired me to go there.

Q. With the approbation of Bayliſs?—*A.* Yes.

Q. And that was in order that he might extract ſomething from Smith, that he might himſelf eſcape?—*A.* That I cannot tell; certainly it was to find out whether Smith was concerned in it or not.

Q. Is Captain Burnaby here?—*A.* Yes.

Mr. Raine. Q. Bayliſs was aſked whether he would not charge Smith?—*A.* Yes. *(The draft read.)*

Smith's defence. I never ſaw that note in my life, that note was not my hand-writing, nor did I utter that note.

Bayliſs's defence. I received the note of Mr. Smith.

For Bayliſs.

JOHN-DICK BURNABY, Eſq. *ſworn.—Examined by Mr. Alley.* I am a lieutenant of the firſt regiment of guards; I know the priſoner, Bayliſs, perfectly well.

Q. Did you not plan this contrivance for the purpoſe of inducing from him a confeſſion?—*A.* I did it for that purpoſe; I waited upon him in his room, and told him his critical ſituation, and I likewiſe told him, it was very certain, that for the ſake of his family, if any body was concerned with him, it would be better to ſay it.

Croſs-examined by Mr. Knowlys. Q. Be ſo good as look at that draft; does that purport, upon the face of it, to be your draft?—*A.* Not in the leaſt.

Q. Is that the deſcription of yourſelf, J. D. Burnaby, lieutenant and adjutant?—*A.* It is.

Q. Is that your draft? *(Mr. Alley objected to this queſtion.)*

Mr. Alley. Q. What is the character of this man?—*A.* I have been five years in the ſame battalion with him; I always believed him to be as honeſt a man as could live.

The priſoner Smith called Mr. Alexander Wyllie, who had known him from four years old, and gave him an excellent character.

Bayliſs, GUILTY Death. (Aged 36.)
Smith, GUILTY Death. (Aged 30.)

Tried by the ſecond Middleſex Jury, before Mr. Juſtice HEATH.

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602. THOMAS BURGESS and WILLIAM HARVEY were indicted for feloniouſly ſtealing on the 19th of June, a ſilver watch, value 20s. a ſteel watch chain, value 12d. a metal ſeal, value 6d. a metal watch key, value 6d. a half-guinea, and a ſeven-ſhilling piece, the property of John Jacobs.

The caſe was opened by Mr. Knowlys.

JOHN JACOBS *ſworn.*—I am a ſeaman belonging to the Endymion; in the latter part of June, I did not know the day, I met the priſoner, Harvey, in Houndſditch, he ſpoke to me, we walked to the end of Houndſditch together, I had never ſeen him before; I then went through a churchyard, into Moorfields; as we came in front of Bedlam, there was a book lying on the ground; I did not ſee him drop it; I ſaw him ſtooping to pick up ſomething; I did not know what it was at that time; I then ſaw it was a book; he ſaid, I have found ſomething; it was a pocket-book with a black cover; he ſaid, he would put it in his pocket till he got to a convenient place to look at it, for

for fear any body ſhould take it from him; after that we walked over to the fields near the Roſemary-branch, near the lead-mills.

Court. Q. How came you to walk with him as he was a ſtranger to you?—*A.* I had nothing to do, I was upon levity that day, and I did not care where I went; he took me over the bank into the fields, and when we got into the fields and he pulled out the book, he ſhewed me a receipt, and ſaid, he could not read, but if I could read, I ſhould look at the receipt; accordingly I took the receipt, and looked at it; I remember there was the name of Jones at the bottom, and a ſtamp; I had only read part of it, when the other priſoner came up, Burgeſs.

Q. Had you ever ſeen Burgeſs before?—*A.* Never; when he came up, he wanted to know our names, and what we did in the field; he took out a pocket-book, and ſaid, he would make me ſuffer for treſpaſſing on his ground; Harvey made him an anſwer, and ſaid, do not be in a paſſion, we have found ſomething, I will thank you to look at it; I ſaid, I was an entire ſtranger, and if I had done any thing wrong in the fields, I was very ſorry for it, and Burgeſs took the receipt, and ſaid it was of conſiderable value, if the property was in the book; he then opened a book, and took out a ſquare buckle, ſet with ſtones, wrapped up in cotton, with a piece of purple ribbon on it; he ſaid, it was worth a conſiderable ſight of money, and that his ſhare was eighty guineas: after that Burgeſs aſked the other man whether he could pay me eighty guineas; he ſaid, no, he could not, but he had an uncle a little diſtance off that would advance him the money; Harvey left me then, and went to a row of houſes, but he went at the back of them, ſo that I could not ſee whether he went into one of them or not; Burgeſs ſtaid with me till Harvey returned, which was in about a quarter of an hour; he ſaid, his uncle was gone into the city, and he could not get the money at that time; then Burgeſs made reply, and ſaid, he would ſettle it; then Burgeſs took out three papers; he ſaid, they were 10l. notes, but I was not curious enough to look at them; they had the appearance of Bank-notes; then Burgeſs ſaid to Harvey, I give this to you, which is 30l. and he ſaid, the young man, meaning me, muſt give me his watch, and what money he has, and he was to keep the pocket-book, and that was to ſecure us all; I gave my watch and money into Burgeſs's hands, it was a ſilver watch, with a ſteel chain, a ſeal, and two keys, one ſilver and one braſs, a guinea, a half-guinea, and a ſeven-ſhilling piece; I have never got any of it again; then there was an agreement for us all to meet at three o'clock, at a houſe near the lead mills; it was then as near as could be about ten o'clock; Burgeſs pretended to be owner of the lead-mills, and I was to go there, he told me his name, but when I came there, I forgot the name; I went immediately to the houſe, to enquire who was owner of the lead mills.

Q. Did you find Burgeſs to be the owner?—*A.* No.

Q. When did you find Burgeſs afterwards, or Harvey?—*A.* As near as I can ſay, about a fortnight after; I was in St. James's Park, and ſaw them both at a diſtance from each other, I had a ſhip-mate with me; I then went up to Burgeſs, and took hold of him, and ſaid, he had my watch and money a few days ago; he aſked me, what I wanted with him; I told him, I wanted my property from him again; I then ſaid, I would have a conſtable; Burgeſs ſaid, do not make any noiſe, and you ſhall have your property again. I then deſired my ſhipmate to look after Harvey; and I went with Burgeſs and Harvey and my ſhipmate over the bridge to Lambeth, and there I got a conſtable of the name of Tunnicliffe, and he took them into cuſtody.

Q. Did Burgeſs make uſe of any expreſſion when you firſt ſaw him?—*A.* Yes; he ſaid, d—n me, I dreamed, laſt night, that you would take me.

Q. Are you quite ſure they are the men?—*A.* Quite poſitive, I knew them directly as I ſaw them; I ſaw the conſtable ſearch them, and I ſaw two pocket-books taken from Burgeſs, he endeavoured to ſhove them under a woman in the public-houſe.

Q. Did you take notice enough of them, to ſay whether either of them was the ſame pocket-book that had been produced to you?—*A.* I cannot ſay poſitively, but I think one of them was the ſame.

Q. Did you ever ſee the receipt or the book afterwards?—*A.* I cannot ſay I did, only at the Manſion-houſe, the Lord-Mayor read the receipt, and I ſaw the buckle.

Q. Who had the buckle at the firſt meeting?—*A.* I had, and when we were going to Lambeth, I gave it to Burgeſs to look at, he aſked me to look it, and then he put it in his pocket, and never gave it me again,

Q. Did you, while you had it, enquire the value of it?—*A.* No, I never did.

Court. Q. What was done with the receipt?—*A.* They kept the receipt.

Croſs-examined by Mr. Knapp. Q. You are a ſeaman belonging to the Endymion?—*A.* Yes.

Q. How long have you been a ſeaman?—*A.* Ever ſince I was fourteen years of age.

Q. And how old are you now?—*A.* Twenty-ſix.

Q. You are a native of this country?—*A.* I am a native of Harwich.

Q. You had been pretty much uſed to walking in that part of the town?—*A.* No, I never was there before.

Q. You

Q. You could read, you have been to ſchool, I take it for granted?—*A.* Yes.

Q. You have heard of ſuch things as theſe before?—*A.* I have heard very little of that kind.

Q. At the time you ſaw Burgeſs firſt, he was ſtooping to pick up ſomething?—*A.* Yes.

Q. Upon its being picked up, you thought it was a good thing to have a ſhare of what was picked up?—*A.* I did not ſay any thing about it.

Q. Did not you mean to be entitled to your ſhare of it?—*A.* I thought there was no value in it.

Q. Do you mean to ſay that you expreſſed, at the time, that there was no value in it?—*A.* Yes, I did.

Q. And yet you agreed to take the buckle, and part with your money, though there was no value in it?—*A.* I ſaid, I dare ſay there was no value in it.

Q. But when you found it was worth 80 guineas, you thought it would be a very good thing to have that ſum?—*A.* Yes.

Q. And this thing being picked up, clearly not belonging to you, you very honeſtly meant to have your ſhare of it?—*A.* Yes.

Q. When Burgeſs did come up, the pocket-book was in Harvey's hands?—*A.* Yes.

Q. And then it was that the converſation took place?—*A.* Yes.

Q. The receipt expreſſed it to be of conſiderable value?—*A.* Yes.

Q. And then Burgeſs ſaid, naturally enough, if the thing is agreeable to what is ſtated in the receipt, it is of ſo much value, and you will be entitled to 80 guineas?—*A.* Yes.

Q. Having parted with your watch and money, and learned that you were entitled to 80 guineas, did not you part with your watch and money voluntarily?—*A.* I ſaid, again and again, that I did not want any thing to do with it; I certainly did give him my watch and money.

WILLIAM TUNNICLIFFE, *ſworn—Examined by Mr. Knowlys.* I am a conſtable, at Lambeth: On the 12th of July, a ſea-faring man came to me to act as a conſtable; I went to a public-houſe where the two priſoners were, Burgeſs had got ſome buckles and things in his hands, *(produces them)*; which he was going to ſhove under a woman that was ſitting there; I aſked him what he was going to do, and laid hold of his arm, and ſnatched them away from him: I took three pocket-books from him, and three notes, and a receipt ſigned John Jones, *(produces them)*; Burgeſs told me I had no buſineſs to take them to Union-hall; I did not know any better, but I took them there; he ſaid, the buſineſs was done in the City; Harvey did not ſay any thing; I then took them before the Lord-Mayor, and they were committed.

Mr. Knowlys. (To Jacobs.) Look at that receipt, and tell us if you think that is like the receipt that was ſhewn to you?—*A.* I can ſwear that the receipt I looked at had the name of Jones to it, and a ſtamp, that is all that I can ſay about it; there is the name of John Jones to this.

Q. Look at that buckle?—*A.* I can ſwear to that buckle.

Q. Look at that pocket-book?—*A.* It was a common black book like this; I cannot ſwear to it, but I believe it to be the ſame.

Mr. Knapp. Q. You can read?—*A.* Yes.

Q. Then of courſe you can read that this is a receipt for 280l.?—*A.* Yes.

Q. Therefore anybody reading it would ſee it was a receipt for 280l.?—*A.* Yes.

Q. Did you ever ſee ſuch a buckle as that before?—*A.* Yes; I have ſeen buckles like that in the ſhop-windows.

Q. Then will you ſwear that this is the ſame buckle?—*A.* I gave it into his hands, and he had no opportunity to drop it afterwards.

Burgeſs's defence. I am innocent of what I am accuſed of.

Harvey left his defence to his Counſel.

Burgeſs, GUILTY (Aged 78.)
Harvey, GUILTY (Aged 56.)

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury, before Mr. RECORDER.

MISDEMEANORS.

603. ROBERT HICKS was indicted for aſſaulting and obſtructing Arthur Polibank, an officer of exciſe, on ſhore, in the due execution of his duty.

There being no evidence to affect the priſoner, he was ACQUITTED.

Tried by the firſt Middleſex Jury, before Mr. Baron HOTHAM.

604. ISAAC SOLOMONS was indicted for that he, on the 20th of October, two hundred and ſeventy-eight pieces of falſe and counterfeit copper money, to the likeneſs of a halfpenny, the ſame not being cut in pieces, feloniouſly did ſell and put off to one Thomas Head, at a lower rate than the ſame by their denomination did import, that is to ſay, for ſeven ſhillings.

(The indictment was opened by Mr. Ward, and the caſe by Mr. Fielding.)

THOMAS HEAD *ſworn.—Examined by Mr. Ward.* On the 19th of October laſt, in conſequence of directions, I went to the priſoner's houſe, in Church-ſtreet, Spitalfields. In conſequence of freſh directions from the Magiſtrate, I went to the priſoner's

priſoner's houſe a ſecond time on Saturday evening; two half-crowns and two ſhillings were given me, which were marked by Nowlan before we left the office; I knocked at the door, and aſked if he had got them all ready; he ſaid, yes, they were all ready; I told him I only wanted but ſeven ſhillings worth, but I ſhould want more the next day; he ſaid, you may have a cart load if you want them; he went up ſtairs, and brought down three papers, with five ſhillings in each paper, he opened them, and took one ſhilling's worth out, and ſaid, there are fourteen ſhillings; I then came out, the officers were at the door, they immediately went in, and ſearched him, and took from him the money that I had given him; the halfpence are here.

Croſs-examined by Mr. Knowlys. Q. What way of buſineſs are you in?—*A.* A tailor.

Q. How long have you employed yourſelf in apprehending offenders for the public good?—*A.* Never before.

Q. Have you never ſaid that you were a perſon who dealt in metal, and wanted metal to melt down?—*A.* I told him I was in the habit of paying a great many men at the water-ſide, and could uſe a great deal; he ſaid, if you can recommend any body elſe, I have a great quantity.

Q. You had been with him the day before?—*A.* I had.

Q. You had poſſeſſion of ſome halfpence?—*A.* No, I gave them to the officer.

Q. The officer ſent you the ſecond time?—*A.* Yes.

Q. You know you had full leiſure, if you pleaſed, to put ſome halfpence into a parcel, and make them up, if you had been ſo inclined?—*A.* No doubt there was time enough.

Q. You never gave information before?—*A.* No.

Q. Your buſineſs as a tailor was too great for that?—*A.* I attended to my buſineſs.

Q. They tell me that ſome of your family have happened to get into a ſcrape about this very ſort of buſineſs?—*A.* I cannot help what my family do.

Q. Pray who is this very reſpectable member of your family that was concerned with coiners?—*A.* His name is Wolfe.

Q. Did you give this information before your brother-in-law, Wolfe, got into the ſcrape?—*A.* I did not know any thing of it till the Thurſday.

Q. Did you never hear that he was under proſecution?—*A.* Yes.

Q. How long had you heard that before you went to lay this information, not many weeks, I believe?—*A.* Some weeks it might.

Q. I dare ſay you have not the leaſt expectation, that if you convict this man, it will help your brother?—*A.* I don't know, I did it to ſerve the public at large.

Q. Did that fit of ſerving the public ever ſeize you before Wolfe was under proſecution?—*A.* I did not know any thing of this man before.

Q. Did you ever look out for ſuch a thing before your brother-in-law was under proſecution?—*A.* No.

Q. Upon your oath did not your wife and her ſiſter plan this?—*A.* No, my wife knew nothing about this, nor her ſiſter neither, that I know of.

Q. Upon your oath, did not Wolfe help you on to this?—*A.* Upon my oath he took me to the houſe.

Q. Don't you know that theſe halfpence are ſold by weight to melt down, often and often?—*A.* I don't know.

Q. Did not you yourſelf, by way of betraying the man, tell him they were to melt down?—*A.* I did not.

Q. That you ſwear?—*A.* I will ſwear it.

Q. Where do you carry on your buſineſs as a tailor?—*A.* At home.

Q. Where is that?—*A.* At Bethnal-green.

Q. Do you work for yourſelf?—*A.* Yes, or any gentlemen that chuſe to employ me.

Q. This was not done till after Wolfe had got into the ſcrape?—*A.* No.

Q. Wolfe, I believe, is indulged, is not he?—*A.* I cannot ſay.

Q. Has he not found favour?—*A.* I do not know.

Q. Will you ſwear you never heard him ſay that?—*A.* Never.

JOHN NOWLAN *ſworn.—Examined by Mr. Fielding.* I am an officer; I went to the houſe of the priſoner with the laſt witneſs; before he went into the houſe, he was furniſhed with two half-crowns, and two ſhillings, which I marked.

Q. Had he any counterfeit halfpence, or any halfpence about him, at the time he went to Solomon's houſe?—*A.* I do not know; I went in company with Griffiths, and took Mr. Solomons into cuſtody; I ſearched his breeches pocket, and found a half-crown, a half-guinea, and a ſixpence.

Q. Had he the money that you had marked?—*A.* I ſaw Griffiths take them from him; I ſearched the houſe, but found nothing of any conſequence; Griffiths and Coombes found a quantity of halfpence.

Q. Did you ſee the money that Griffiths took from his hands?—*A.* I did.

Q. Did you know the money again?—*A.* Yes.

THOMAS GRIFFITHS *ſworn.—Examined by Mr. Fielding.* I went to the houſe with Nowlan, where I met the priſoner and Hood in the paſſage talking together; Nowlan laid hold of the priſoner, and aſked

aſked him to go into the parlour; I immediately ſhoved into the parlour, I miſtruſted he had ſomething in his hand; I laid hold of his left hand, and took two half-crowns and two ſhillings which Nowlan had marked and given to Head. *(Produces them).*

Nowlan. This is the ſame money that I marked.

Griffiths. I then went into the warehouſe, and up a ladder into a loft over the warehouſe, which ſeemed to me like a ſtore-room, and in ſearching round that warehouſe, I found a large bag of halfpence, with another ſmall bag; there is about three or four hundred weight of them; after I had found this bag, I was then by myſelf in the warehouſe; I then called for Coombes, and they all came up together, and aſked the priſoner if he had got any more of theſe halfpence; he ſaid, yes, I believe I have; he ſaid, I believe there is another bag; he went into the warehouſe, and pulled out another bag of about one hundred weight.

Q. Who took the money away from Head?—*A.* I did, *(produces it)*; there were two papers of five ſhillings each, and the reſt were looſe; they were ſealed by the Magiſtrate before Mr. Powell.

Q. Do theſe correſpond with thoſe in the ſack?—*A.* Yes, they do.

Croſs-examined by Mr. Knowlys. Q. This warehouſe of his did not contain halfpence only?—*A.* No, there was copper, and lead, and pewter, and thoſe ſort of things.

Q. Were there not woollen goods and linen goods?—*A.* I did not ſee them; there were old and new nails.

Q. You have attended upon theſe ſort of proſecutions before?—*A.* Yes.

Q. Do theſe halfpence appear to be newly coined at all?—*A.* No.

Q. Nor of one impreſſion?—*A.* No.

Q. Have they not the appearance of having been in circulation?—*A.* They have; there are a great many of them tokens.

Q. Do you not know that lately the circulation of bad halfpence has been ſtopped?—*A.* Yes.

Q. Don't you know that the founders buy them up to melt?—*A.* I cannot ſay.

ROBERT COOMBES *ſworn.*—I found theſe two bags of halfpence below.

Priſoner's defence. My Lord, and Gentlemen of the Jury, I was never guilty of ſuch a thing in my life; that man and another came and wanted to buy ſome halfpence, and I ſold them to him by weight; I have got a witneſs to prove that I ſold them by weight.

Mr. Knowlys. (To Griffiths.) Q. Among the halfpence you took from Head, which he ſaid he had from the priſoner, you found four ſhillings looſe, not in paper?—*A.* Yes.

For the Priſoner.

JAMES CLARKE *ſworn.*—I am a founder, No. 90, Houndſditch. Previous to this tranſaction, I was about to buy theſe halfpence of Mr. Solomons, for the purpoſe of melting down.

Q. Then it is not an uncuſtomary thing for founders to purchaſe halfpence?—*A.* There is now a very great influx of halfpence; I bought a hundred weight yeſterday for that purpoſe; a neighbour of mine bought a day or two ago eight hundred weight.

Croſs-examined by Mr. Fielding. Q. What were you to give for this ſort of copper?—*A.* The intrinſic value is about five pounds per hundred weight.

Q. Twenty-four halfpence is a ſhilling's-worth; how much would that be worth as old copper?—*A.* I never calculated.

Q. What is the name of your neighbour, who has bought eight hundred weight?—*A.* Mr. Martin, four doors from my own houſe.

The priſoner called nine witneſſes, who gave him an excellent character.

GUILTY.

Confined one year in Newgate, and fined 10ol.

Tried by the firſt Middleſex Jury, before Mr. Juſtice HEATH.

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605. MARY HARRINGTON was indicted for that ſhe, on the 20th of October, a piece of falſe and counterfeit money, counterfeited to the likeneſs of a good ſhilling, as and for a good one, did utter to one Mary-Ann Froſt, widow, knowing it to be falſe and counterfeit.

Second Count. For that ſhe, at the time ſhe ſo uttered the ſaid piece of falſe and counterfeit money, had in her cuſtody and poſſeſſion, another piece of falſe and counterfeit money, counterfeited to the likeneſs of a good ſhilling, ſhe knowing the ſame to be falſe and counterfeit.

(The caſe was opened by Mr. Ward.)

MARY-ANN FROST *ſworn.*—I am a widow, I keep a public-houſe in Star-court, Fenchurch-ſtreet: On the 20th of October, the priſoner came into my houſe for a quartern of raſpberry, ſhe aſked for change for a ſeven-ſhilling-piece; I would not change it, becauſe ſhe had been, about a fortnight before, and changed two or three ſhillings with me, and therefore I did not like to give her change; ſhe ſaid ſhe had no ſilver; then ſhe put her hand into her pocket, and ſaid, yes, here is one ſhilling, ſhe gave it to me, and I ſaw it was a bad one; ſhe then put her hand into her pocket and gave me another, which was not quite ſo bad.

Q. Are you perfectly ſure they were two different ſhillings?—*A.* Yes; I then reckoned the change out ready for her; I had a carpenter at work, and

I aſked

I aſked his opinion of the ſhilling, and when I returned to the bar ſhe was gone; there was a man having a pint of beer in the houſe who is the ſtreet-keeper of the Ward, he rubbed it, and ſaid it was a very bad one, and then he went after her; he has got the ſhilling, his name is Perry.

Q. Are you ſure the ſhilling you received from the priſoner was the one that you gave Perry?—*A.* Yes; it was never out of my hand.

THOMAS PERRY *ſworn.*—I was at Mrs. Froſt's houſe, the priſoner came in, and aſked for ſome raſpberry, ſhe wanted change for a ſeven-ſhilling-piece; Mrs. Froſt told her ſhe could not give her change; ſhe then produced a ſhilling; Mrs. Froſt ſaid it was a bad one; ſhe after that chucked down another; Mrs. Froſt gave her nine-pence out of it; I aſked Mrs. Froſt to let me look at the ſhilling; I rubbed it againſt the ſole of my ſhoe, and found it to be a very bad one; I immediately returned to the bar where ſhe had been drinking, and ſhe was gone; I went after her, and ſtopped her about thirty yards from the door; I ſearched her, and found a good ſeven-ſhilling-piece, and two bad ſhillings, ſhe had but one good ſhilling about her; I took her to the Compter.

CHARLES SANSUM *ſworn.*—I am an officer: I was ſtanding in Fenchurch-ſtreet, I ſaw the priſoner, and another woman, paſs by, whom I knew very well; I ſaw Mr. Perry come out, and look round, I thought he was looking after them, and I told him which way they were gone; I went up to her and found her hand clenched, I forced it open, and there were two bad ſhillings, *(produces them)*; I found one good ſhilling beſides, and a ſeven-ſhilling-piece, upon her; I took her back to Mrs. Froſt, and ſhe marked one of the ſhillings, which ſhe ſaid ſhe knew; then we took her before the Lord-Mayor, and ſhe was committed.

Mrs. Froſt. This is the ſhilling that ſhe firſt offered me; I am very poſitive it is the ſame from a mark that I obſerved upon it.

CALEB-EDWARD POWELL *ſworn.*—I am clerk to the Solicitor for the Mint; theſe are both counterfeits.

The priſoner ſaid in her defence, that ſhe had received the money from a ſeaman on board the Serapis at Woolwich, and did not know it was bad.

GUILTY on the Firſt Count.

Confined ſix months in Newgate, and to find ſureties for ſix months more.

Tried by the London Jury, before
Mr. RECORDER.

Mr. BARON HOTHAM delivered the opinion of of the Judges upon the caſe of Robert Harris, (who had been convicted of perjury, in September Seſſions, 1797), as follows:

Robert Harris, you were convicted of the crime of perjury at a former Seſſions, which was fully proved upon you; but the judgment of the Court was reſpited upon a doubt being entertained whether the form of the indictment, upon which you were tried, was ſtrictly proper. The indictment ſtated, that you committed the perjury in queſtion at Guildhall in the City of London, and went no further. The Judges have taken this into their conſideration, and, upon examination of all the precedents, it appears in former as well as later times, that the indictment has always laid the perjury to have been committed either in ſome Pariſh or Ward within the City of London, that not having been done in your caſe, the judgment of the Court is, that you be diſcharged.

The

The SESSIONS *being ended, the* COURT *proceeded to* GIVE JUDGMENT *as follows:*

Received ſentence of Death—3.

James Tomkins, John Bayliſs, Alexander Smith.

Tranſported for ſeven years—26.

Margaret Batterſby, James Kirk, Hannah Hardcaſtle, John Wheeler, John Crawley, William Ruſſell, George Shirley, Sarah Wood, James Wilſon,
William Saggers, John Ward, William Young, William Galloway, John Milton, otherwiſe Multon, Matthew Moreton, Richard Jackſon, William Bowers,
Ann Forbes, Ann Hardman, Richard Watts, James Harrod, Sarah Thomas, William Ambridge, John Romaine, Thomas Burgeſs, William Harvey.

Confined one year in Newgate, and fined 100*l.*—1.

Iſaac Solomons.

Confined one year in the Houſe of Correction, fined 1*s. and diſcharged*—4.

Nancy Holman, Mary Barrett, Agnes Towell, Richard Warner Wilſon.

Confined ſix months in the Houſe of Correction, publickly whipped and diſcharged—1.

William Moore.

Confined ſix months in the Houſe of Correction, privately whipped and diſcharged—1.

Catherine Hynde.

Confined ſix months in Newgate, fined 1*s. and diſcharged*—1.

Elizabeth Brown.

Confined ſix months in Newgate, and find ſureties for ſix months more—1.

Mary Harrington.

Confined ſix months in the Houſe of Correction, fined 1*s. and diſcharged*—4.

James Walker, Thomas Sparkes, Sarah Marſhall, Ann Brown.

Privately whipped and diſcharged—3.

Mary Forbes, John Matthews, Samuel Solomons.

Confined two years in Newgate—5.

Edward Atkinſon, Luke Ball, Nathaniel Lynham, John Turk, John Warwick.

The Seſſions were adjourned till Wedneſday, December 5, 1798.

A

GENERAL INDEX

OF

PERSONS tried at the OLD BAILEY, in the Mayoralty of the Right Hon. Sir JOHN WILLIAM ANDERSON, Bart.

N. B. The Figures refer to the number of the Trials, and the different Sentences each Priſoner received is marked *before* the Names, *viz.* thoſe marked D. received Sentence of Death. T. 14, Tranſported for fourteen years. T. Tranſported for ſeven years. W. Whipped. Imp. Impriſoned. W. and I. Whipped and Impriſoned. Fi. Fined. Sp. Special. S. Sailor, or Soldier. And thoſe without any Mark were acquitted.

And the Reader will alſo obſerve, that the *Crimes*, for which the ſeveral Priſoners were tried and received Sentence of Death, are marked *after* the Names as follow:

B.	Burglary.
B. S.	Beaſt Stealing.
C.	Coining.
F.	Forgery.
H.	Highway Robbery.
Ho.	Houſe-breaking.
H. S.	Horſe-ſtealing.
M.	Murder.
P. S.	Privately Stealing.
R.	Rape.
R. D.	Robbery in a Dwelling-houſe.
R. P.	Robbing the Poſt-office.
R. T.	Returning from Tranſportation.
S. A.	Seducing from Allegiance.
Sac.	Sacrilege.
S. C.	Selling Counterfeit-money.
S. D	Stealing in a Dwelling-houſe.
S. L.	Shop-lifting.
So.	Sodomy.
Sh. S.	Sheep-ſtealing.
St. Ship.	Stealing on board a Ship or Barge.
S. W.	Stealing from a Wharf adjoining a Navigable River.
T.	Treaſon.
Thr.	Threatening Letter.
U. S.	Unlawfully Shooting.

A.

D ABBOTT John *H* 301
T Abell William — 537
T Aberall Jane — 415
Imp Abigail Elizabeth 400
Imp Abraham Iſaac — 31
T14 Abraham Benjamin 511
Adams Martha 251
D Adamſon Joſeph *F* 299
Aikin John 241, 242
T Akerman James 94
Aldridge Iſaac 44
W Allen Mary 396
D —— Thomas *S D* 491
T Ambridge William 578
Annetts Thomas 75
Annis John 320, 326
T14 Archer Ann 547
T14 —— John 199
Armſtrong Robert 60
T —— John 136
Imp Arnold Andrew 80
T Atkins Mary 424
Imp Atkinſon Edward 466
T Atterbury William 540
Auſtin James 175
T Ayres James 158

B.

T Bacon Charles 372
Bailey Sophia 249
T Baines William 25
Baker Aaron 239
Imp —— James 431
T —— Sarah 477, 536
T Ball James 19
Imp —— Luke 466
D Bamber Samuel *S D* 442
Barber Mary 504
Barnard James 66
Barnett Eliſha 10
—— Elijah 513
—— Barnett 243
—— William 391
Imp Barrett Mary 570

Bartholomew John 480
W&I Baſs Mary 350
Batchelor Charles 250
T Batterſby Marg. 566, 567
W&I Bavely James 83
W&I Bayliſs Ann 196
D —— John *F* 601
Beal Thomas 153
Bearblock Charles 538
T Beech Joſeph 349
T 14 Benjamin Ann 73
Imp —— Benjamin 255
D Benſon Mary *M* 8
Beſt Sarah 37
W —— Thomas 178
Bickeridge Richard 153
T Billing Henry 287
Bird Charles 245
T —— George 320
W&I Bladon Margaret 344
Bolton John 548, 549
D Bond John *M* 554
Bourne John 42
D Bowers George *B* 197
T —— William 564
Bowman William 164
—— George 378
W Bowmana Mary 437
S Boyd James 265
T Bradbury Charles 516
Bradley James 32
W Bramley Philip 176
Brenton Eſther 118
Briſcoe John 66
T Brown Peter 37
T —— Sarah 37, 91, 92
T —— John 41, 107, 553
D —— George *B* 78
D —— Elizabeth *F* 235
T 14 —— Sarah 297
W&I —— Mary 341, 350
T —— William 391
Imp —— Ann 552
Imp —— Elizabeth 565
—— Thomas 590
D Bruton John *H* 520
T Buckey Margaret 532
T Buoy Giles 348
T Burgeſs Thomas 602
Burke Thomas 458
Burnham Edward 599
W&I Buſhnell William 97
Butler John 408

C.

Imp Cain William 82
W Callandar Orlando 181
T Cam Henry 56
Cambourne Thomas 600
Imp Caney John 405, 406
Imp —— Thomas 405
Imp Carlton Mary 388
Carroll Elizabeth 576
Carter Joſeph 145
Imp Carty Daniel 157
—— Dennis 319
Imp Caſtle John 383
Caſlin Elizabeth 330
T Catapodi Peter 37
—— Sarah 37
W&I Cathery William 473
Imp. Catling William 171
Chadwick Thomas 380
T Chambers John 320
Champion Hannah 246
Champneſs William 192
T Chandler William 135
—— James 166
Imp Chantler William 163
T Chapman Thomas 526
W Chattle Mary 402
T Chetham Joſeph 6
T Chevalier Francis 165
T Clarke William 58, 542
Fi —— Hannah 399
D —— George *Ho* 459
W&I —— Edward 465
—— Mary 488
Imp —— Sarah 498
T —— Richard 531
—— Thomas 595
W&I Clayton George 123
D Clifton Thomas *B* 340
T Cole Thomas 270
—— John 594
W Collins Charles 193
Imp —— George 269
D T —— John 416, 516, *F* 453
T Colnett Iſaac 93
Imp Conjuet Sarah 511
Connor John 434
Cook John 460
—— Samuel 592
Cookſon Robert 294
D Cooper Samuel *H S* 267
T —— James 286
T —— John 325
Coulthurſt John 321, 322
Covington John 50
Cox Elizabeth 72, 120
—— Thomas 587
D Crawford John *F* 453
Crawley John 598
Imp Crece Edward 230
Cummins Martha 449
Cunniſorth John 121
Imp Curtis Jane 471
Imp —— Thomas 525
Imp Cuſſick Elizabeth 99
Imp Cuthbert Clementina 124

D.

T Daſey Patrick 443
T Davies J. 113, 290, 291, 292
W —— Elizabeth 237
—— Ann 361
D —— Charles *Sh S* 410
Imp —— Mary 527
Dawſon Edward 312
W&J Day James 100
—— John 419
Dean Thomas 296
W&I Degrange George 379
D Dekclerk Peter *F* 183
Imp Delahaye Mary 268
Fi Dickſon Mary Ann 293
Fi&I Diſney John 228, 329
Doe John 330
T Dowles Robert 540
Dudfield Thomas 586
Imp Duff Mary 14
Dukeſon Mary 463, 464

E.

Fi Eady Thomas 147
Imp Eamer James 306
Imp Eaſt William 479
Eaton William 177
Edwards Mary 247
Egerton Sarah 468, 469, 535
T Ellis William 423
D Evans George *B* 78
Imp —— Thomas 317
T —— Mary 445

F.

Farrington Joſeph 180
Imp Fayler Elizabeth 36
Fennily Margaret 45
Fenton Robert 207
Field James 144
—— Thomas 144
—— William 595
D Fiſh Robert *S D* 22
—— Rachel 22
Fitzgerald Mary 450
D Flint William *B S* 23, 24
Flowers James 321, 322
—— Thomas 364
Fogg Robert 76
Follett John 229
D Foot John *Sh S* 78
T Forbes Ann 571
—— Mary 588

Ford Thomas 239
T Foreman Henry 126
Forſyth Elijah 417
Imp Foſter Mary 98
W&I Francis Jeremiah 336
D Franklyn Robert *F* 1
Imp Franks John 234
W&I Freake Thomas 264
—— George 285
T French Samuel 132
W&I Fretter James 194
D Frewin Charles *B* 177
Imp Fudge Francis 160
W&I Fuller Ann 182

G.

Gallaghy Edward 593
T Galloway William 557
T —— James 368
Ganley Ann 206
Gardiner Richard 577
Imp Gibbs John 284
D Gilbert John *S C* 457
T Gill Margaret 21
T Glave Mary 382
Glazebrook Mary 380
Imp Glover Thomas 486
Imp Godfrey Charles 431
T Golding Benjamin 84
Goodman James 541
Imp Grady John 133
D Graves William *B* 144
D Gray James *H* 309
Imp Green Richard 20
Imp —— Elizabeth 201
Imp —— William 421
—— Margaret 467
Imp —— Elizabeth 505
—— George 596
W&I Griffin Thomas 371
T Griffiths Henry 170, 253
W&I —— William 334
—— Griffiths John 352
Fi Grizzel Thomas 475
Groves William 139
1

H.

D Hall Tho. *B* 101, 105, 129
—— Joſhua 244
—— Taylor 244
—— John 312
—— Samuel 367
Hammond Sarah 150
Hampton Ann 534
Hands John 151
T Hardcaſtle Hannah 569
T Hardman Ann 572
T Hardwicke James 495
Haritage William 15
Harrington Mary 605
T Imp Harris John 35, 370, 544
T Harrod James 582
W&I Hart Jonas 81
Imp —— George 313, 314
T Harvey William 602
T Hawkes Joſeph 131, 699
Imp Hawkins Sarah 546
Haynes Elizabeth 519
T Hayward John 179
Imp Heal Aaron 384
Henchiller Patrick 545
Henry 233
W&I Herbert Sarah 515
Herman Sarah 283
Heſter Maria 467
D Hewlings Wm. *St. Ship* 538
T14 Hibbert William 101
Hicks Robert 603
W&I Higgins John 203
Higley Samuel 397
Hilliard Elizabeth 72, 120
Imp Hillier Thomas 51
W&I Hinde Catherine 579
T Hindes James 290, 291, 292
Imp Hipkin Maria 108
—— Ann 108
Hitchin William 231
—— Elizabeth 231
T Hobbs Thomas 141
Holderneſs Thomas 204
W&I Holding William 258
D Holloway Sarah *S D* 373
Imp Holman Nancy 550
Imp Holmes William 86
Holyland Chriſtopher 529
Fi&I Homan William 343
Imp Honey James 507
T Horribin William 337
Howe John 363
Howard Jane 468, 469, 535
T —— John 489
D Huet Bernard *F* 232
Imp Hughes Hugh 16
W&I —— Catherine 167
T Humphreys Henry 114, 115
D —— John *B* 339
D Hunter Thomas *B* 204
Hutchins Joſeph 403
W Hutt John 425

I.

Imp Ingram William 189
T Innes John 439
Imp Ironmonger Mary 154, 155
Ives Stephen 77

J.

Jackſon John 296
T W&I Jackſon Rich. 428, 560
Jacobs Samuel 470
T14 —— Benjamin 511
James Edward 59
Imp Jean Elizabeth 503
Jefferies William 365
Jenkins Mary 175
T Jennings Maria 394
Johnſon Mary 144
—— Ann 206
—— Penelope 385
T Jonas Jacob 425
Jones William 101
—— Mary 156, 357
—— Ann 339
W&I —— James 371
T Judd Daniel 132

K.

Keay John 377
Kelley William 418
Kellow Sarah 558
Kilgannon Dominick 455
King Elizabeth 374
Kingſbury John 573
Kirk Sarah 395
T —— James 568
Knight Richard 480
D Knott Moſes *S D* 308

L.

D Lahey Catherine *C* 484
Lambert Martha Sarah 260
Lander James 338
Lang Elizabeth 144
W Lanſdown William 33
Lappew John 61
T Lawes Jeremiah 133
T Lawrence Sarah 523
Lee Thomas 191
— Sarah 254
— William 118, 556
Lemaire Joſeph 143
Leonard John 599
Lever Mary 91
T Levy Andrew 62
—— Solomon 243, 357
T —— Goſhern 262
Liſter Sarah 468, 469, 535
Imp Lloyd John 161
Imp —— Richard
Long Mary
T —— Edward
Lovell Edmund
Lowe Jane 185

D Lowther John *S D* 485
Lucas William 52
Imp Ludey Mary 517
T Lusby Robert 427
Luttman John 295
Imp Lynam Mary 345
Imp Lynam Nathaniel 466
Imp Lyons Jacob 128
—— Hannah 340

M.

W Macbride John 304
W Macdew Michael 130
Mackneal James 71
M'Coull James 248
T M'Cabe Michael 259
Imp M'Daniel Sarah 281
T M'Grimes Joseph 135
D M'Nell James *Ho* 459
Madden Mary 502
D Mann David *F* 74
T Manning John 528
Marlow Sarah 412
Marshall Barney 541
Imp —— Sarah 563
D Marson William *S L* 289
Imp Martin John 11
W & I —— Thomas 282
Mason Mary 361
Imp —— William 307
Matthews John 591
Maton Barwick 541
Mellison Sarah 91
Mercer James 365
Middlemas Edward 480
T Miles Robert 125
—— John 539
Miller Joseph 55
Mills John 585
T Milton John 557
Imp Mitchell Robert 327
Imp Mole Mary 432
Molyneux Frederick 310
T Moore Elizabeth 47
T —— William 280
T Moreton Ann 95
T —— Matthew 559
Morrice Margaret 175
Morris John 109
T —— Thomas 315
T14 Morse Isaac 316
D Moses Uriah *B* 73
Imp Mountjoy Mary 303
T Multon John 517
Murphy Mark 413
D Murray Margaret *P S* 68
—— James 353
Murray Edward 435
T Murrell William 53

N.

Nathan Deborah 474
Imp Neal Arthur 472
Nelson Charles 252
W & I Newell John 46
T Newton William 90
Niblett Henry 454
T14 Nixon William 38
Imp Nokes Benjamin 65
North John 200
D Norton John *R P* 79
Nowland Eleanor 87
D Nugent Dennis *R* 512

O.

Imp Oakley William 422
Imp O'Brien John 29
Odell Thomas 545
D Oliver Josiah *St Ship* 538
T Ormandeberg William 438
Ottey Abraham 404

P.

Pack Richard 13
Packford Benjamin 7
Imp Page William 103
—— James 279
T —— Philip 436
T Palmer Richard 439
Parsons Ann 144
Partin Mary 401
Imp Partridge Thomas 110
T Patterson Jane 331
Paul Matthew 112
Payne Daniel 64, 119
Imp —— Francis 318
D Peachey Joseph 451 *S D* 493
T Pearson John 369
Peatty William 145
Peck Richard 13
W & I Pedder Henry 18
D Penn Robert *S D* 22
—— Rachel 22
W & I —— Joseph 302
Penny Joseph 197, 198
T Phillips William 114, 115
—— Catherine 177
D —— Richard *S D* 354
D Phipoe Maria Theresa *M* 8
Pinner Jane 414
T14 Pittman John 337
Plunkett Simon 3
Portees John 419
T Portsmouth Richard 332
Fi & I Pougher Joseph 346, 347
—— Mary Ann 346, 347
Imp Powell Job 48
T —— Mary 85
Imp Presfell Thomas 111
Fi Prestidge Sarah 202
Imp Price Mary 12
Imp —— John 362
—— Ann 502
T Priest John 110
Purnell Richard 478
T Pybus Edward 311

Q.

D Quirk Matthew *S W* 257

R.

T Radford Thomas 184
T —— William 522
T Radon William 138
Reading Patrick 239
D Reeves Robert *F* 106, 306
S Renny George 426
Reynolds Edward 23, 24
D —— Stephen *B S* 23, 24, 67
Richards Robert 122
T Ridley Ann 266
Imp Risdale John 333
Ritchie James 197, 198
W & I Roberts James 278
Imp —— Mary 530
W & I Robertson John 256
T —— Thomas 487
Fi Robins Hugh 476
T Imp Robinson John 381, 389, 398
—— James 506
—— Ann 506
—— Elizabeth 506
Imp Rodney Thomas 328
T Romaine John 580
T Rose George 501
Round Edward 119
Imp Rudd John 492
T Russell William 508, 551

S.

Sadler John 43
T Saggers William 556
Fi Sampson Joseph 480
Imp Samuels Samuel 88
Saunders John 57
—— William 192
Scott Ann 108
W & I —— Joseph 342
D Seaton Augustus *B* 297, 340

T 14 Seaton Sarah 297
Selby John 238
W&I Serle Samuel 429
W&I Seton John 26
Sewell James 409
D Seymour John *H* 89
Shannon Mary 169
T Sharp James 290, 291, 292
T Shaw Richard 544
D Shepperd Forder *S D* 275, 276
Sheppard William 169
Imp Shields James 261
T Shirley George 551
Sibborne Richard 27
T Sibley William 159
D Singures George *S D* 442
D Skelton Susan *S L* 440, 441
D —— Sarah *S L* 440, 441
D —— Wm. *S L* 440, 441
—— Jane 576
Skilsby William 116, 129
Skinner Joseph 39
Slaney Mary 573
D Smith William *B S* 23, 24
Imp —— Edward 30
Imp —— James 102
W&I —— Thomas 186, 356
—— Richard 323
T —— Mary 351, 523
—— Sarah 376
T —— John 381
T —— Elizabeth 390, 433
—— Randall 420
T —— Joseph 462
Imp —— Ann 524
D —— Alexander *F* 601
D Smoakham Thomas *H* 288
W Solomons Samuel 583
Fi&I —— Isaac 604
T 14 South Ann 547
Sparkes Elizabeth 390
Imp —— Thomas 562
T Stacey William 392
D Starenaugh Elizab. *P S* 411
W Starling James 49
Stenson Thomas 335
Imp Stewart Mary 63
D Stinson William *C* 236
Imp Stone Mary-Ann 456
Imp —— Thomas 533
Stubbs John 9
T Sullivan Michael 277
Imp Summers Thomas 492
Sutliff Martha 148
D Swaine Hezekiah *H S* 204
—— Mary 510

T.

Talbot Thomas 33
Tarrant John 446, 447
Taylor Thomas 121
Imp —— Susannah 494
T —— James 495
Thacker William 122
Thomas James 152
T —— Sarah 574
Imp D Thompson Margaret 140
H 324
W —— John 273
—— William 452
Imp —— Mary 517
—— Edward 599
T Thornton James 263
Imp Thurgood Thos-Brown 162
D Tomkins James *Sh St* 584
Imp Towell Agnes 581
D Troyte Rt-Ladbroke *F* 490
T Tunstall George 393
Imp Turk John 466
Turnbull James 448
T Turner Sarah 195

U.

W&I Underhill Richard 330
Upton John 190
Imp Urin Esther 390

V.

D Vargin Nicholas *H* 366
Imp Vincent Sarah 117
Vintner James 305

W.

D Wade William *H* 28
D Walden Wm. *S L* 481, 482
Walker Charlotte 188
T —— George 518
Imp —— James 561
T Wallis John-Hadley 137
Ward Thomas 497
T —— John 556
Fi Wardropper Thomas 2
T Waring James 96
D Warner Ann *C* 484
Warren James 205
Imp Warwick John 466
T Watson William 161
W Watson Frances 272
T Watts Richard 582
Welchford Mary 142
W Wells James 127
D T Wheeler John *B* 105, 129
Whitaker Sarah 150
Imp White Ann 271
T —— Robert 444
W Whitney Thomas 187
T Whomby Thomas 522
T Wilbraham Charles 516
T Wild John 381, 398
D Wilkinson David *F* 298
—— Rosanna 168
T Williams Charles 69
—— John 173, 355
T —— Thomas 184
D —— William *H* 301
Imp —— Mary 386, 430
—— Jane 468, 469, 535
—— George 529
Williamson John 134
Imp —— Lawrence 360
D Willis Sarah *C* 483
Wilmot Abraham 238
T Wilson Margaret 21
—— John 238
—— Thomas 407
T —— William 461
T —— Charles 514
T —— James 556
Imp —— Richd-Warner 575
D Wiltshire Thos-Henry *S L* 481, 482
D Wingrove James *B* 509
Windle Benjamin 40
Imp Winter Mary-Ann 456
T 14 With Joseph 439
T Wood Sarah 555
T —— James 274
Imp Woodey John 171
Imp Wright Hannah 54
D —— James *H* 89
D —— William *H* 89
W&I —— Edward 359
—— Samuel 538
W Wyer Mary 358

Y.

Yarnberry Gunner 104
Young Henry 5
—— John 172
T —— Robert 174
T —— William 556

FINIS.

W

W—— Edward 228
D W—— Edward H 83
D W—— James H 83
Lmb W—— Joseph Hamm 24
Lmb W—— Joseph Hope 121
T W—— Joseph 224
T W—— Joseph 224
T W—— Joseph 224